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ENVIRONMENTAL ASSESSMENT BOARD

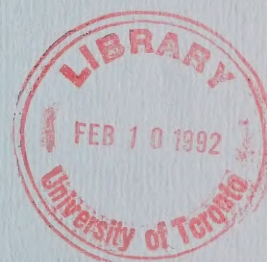
VOLUME: 347

DATE: Wednesday, January 29, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

**FARR &
ASSOCIATES
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ENVIRONMENTAL ASSESSMENT BOARD

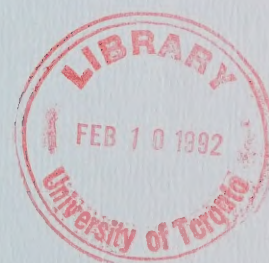
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Wednesday, January 29th, 1992,
commencing at 9:00 a.m.

Vol 347

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
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MR. J. ANTLER		NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY

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MR. R. BARNES)	ASSOCIATION
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MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

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I N D E X O F P R O C E E D I N G S

Witness:

Page No.

DAVID NEAVE;

TERRY QUINNEY; Resumed.

60488

Cont'd Cross-Examination by Mr. Freidin

60488

Re-Direct Examination by Mr. O'Leary

60639

1 ---Upon commencing at 9:00 a.m.

2 DAVID NEAVE,
3 TERRY QUINNEY, Resumed

4 MADAM CHAIR: Please be seated.

5 Good morning, Mr. Freidin.

6 MR. FREIDIN: Madam Chair.

7 CONTINUED CROSS-EXAMINATION BY MR. FREIDIN:

8 Q. Dr. Quinney, you're on. You were
9 left with a question or a concern in any event and I
10 wonder if you could address that.

11 DR. QUINNEY: A. Perhaps you can phrase
12 the question for me. It might be easier for me to
13 begin.

14 Q. I was afraid you were going to say
15 that. I want you to address the concern that I have
16 when I read your planning process and look at Exhibit
17 2062 when we look at basic addressing public
18 priorities.

19 My concern is that it seems that by
20 giving the public an option to indicate what their
21 preferences are on the forest management unit, to say
22 these are the mixes of benefits that we want, that you
23 are, in effect, entering into a land use planning
24 exercise; they are having the opportunity to say: This
25 is how we want our land base to be used, and they could

1 say: We want it to be all tourism or 50 per cent
2 tourism and 50 per cent timber, we want it to be
3 another mix of benefits.

4 Is that in fact the sorts of options and
5 the sorts of exercise that you were contemplating at
6 the beginning of your planning process?

7 DR. QUINNEY: A. Let me address Exhibit
8 2062, then, and begin by saying that our goal statement
9 is completely consistent with the purpose of the
10 undertaking and I would like to direct your attention
11 to, to begin with, OFAH term and condition No. 6 and
12 the attendant rationale.

13 Mr. Freidin has asked what, for
14 example -- where, for example, the objectives
15 identified in documents like the Strategic Land Use
16 Guidelines and District Land Use Guidelines would come
17 to bear.

18 I would point out that the term and
19 condition No. 6 states:

20 "All objectives shall be established on
21 an individual timber management plan
22 basis with the provincial, regional and
23 district objectives. For example, timber
24 production policy, moose population
25 targets, SLUPs, DLUGs, serving to provide

1 guidance in the selection of the
2 preferred mix."

3 The rationale states:

4 "The planning process is based upon a
5 bottom/up, top/down planning process.
6 Broad provincial, regional, district
7 objectives are derived from the resource
8 production possibilities arising from
9 an analysis of individual FMUs.

10 During timber management preparation the
11 broad top/down objectives are used to
12 guide site specific decisions. This
13 interplay between the broad policy level
14 guidance and site specific decisions must
15 be viewed as a dynamic, ongoing,
16 iterative process. For example, a timber
17 production policy must be reviewed much
18 more frequently than once every 18 or 20
19 years."

20 I think it would also benefit the Board
21 if I just referred briefly to the OFAH terms and
22 conditions 217 to 219 on page 37. Specifically I am
23 referring here to terms and conditions 217 to 219 and
24 the attendant rationales. 217, as an example, states:

25 "The resource targets contained in the

1 SLUPs and DLUGs shall be periodically
2 updated to ensure consistency with
3 individual TMPs. The SLUP and DLUG
4 targets shall be based on a comprehensive
5 bottom/up analysis of feasible resource
6 production possibilities with the TMPs
7 serving as the basic data unit."

8 MR. MARTEL: Can I ask you a question on
9 that one? Do you want to say that in reverse as
10 opposed to what you have got there because what you are
11 saying there is that -- it sounds like SLUPs and DLUGs
12 have to conform to the individual timber management
13 plan.

14 Shouldn't that be in reverse, that in
15 fact the timber management plan for a specific area
16 would have to coincide with the overall scheme of
17 things? I mean, if you just read what that says that
18 seems to be the horse before the cart.

19 DR. QUINNEY: I would say that in order
20 to derive objectives at the Strategic Land Use
21 Guideline level, to derive those there must be a direct
22 connection with the land base from which they are being
23 derived.

24 MR. MARTEL: I don't dispute that, what
25 it says, though, is "the resource targets contained in

1 the SLUPs and DLUGs shall be updated to ensure
2 consistency with the individual timber management
3 plans."

4 Which comes first, the plan that
5 coincides with the DLUGs or vice versa?

6 DR. QUINNEY: Yes --

7 MR. MARTEL: It seems to me the way it is
8 written here that you have got the cart before the
9 horse. I don't know if that's deliberate or not.

10 DR. QUINNEY: Perhaps if I just read the
11 next term and condition and the rationale I believe it
12 is explained for you, Mr. Martel. What we have stated
13 in 218 is that:

14 "The SLUP and DLUG targets shall not be
15 binding as to the feasible objectives for
16 an individual timber management plan,
17 but shall provide instead guidance as to
18 the preferred resource production
19 possibilities."

20 In the rationale we have stated:

21 "By ensuring bottom/up consistency, the
22 feasibility of objectives at an FMU level
23 is assured. With the current SLUP
24 and DLUG targets it is feasible that at
25 an FMU level some targets are not

1 mutually or even individually feasible.
2 There is an essential need for provincial
3 level policy decisions to be made to
4 provide guidance for site specific
5 decisions. However, the choices from
6 which these policy decisions are drawn
7 must be based upon feasible combinations
8 of resource production possibilities at
9 an individual FMU level. Ideally, the
10 SLUP and DLUG targets should be binding
11 on the individual FMUs. It is proposed
12 that at least in the short to medium term
13 the SLUP and DLUG target provide guidance
14 and need not be strictly adhered to."

15 Does that address the question you
16 raised?

17 MR. MARTEL: Well, if I read the
18 rationale for them all, items 217 through to the first
19 paragraph in the rationale, the first sentence in 219,
20 it seems to me that OFAH is attempting to reverse the
21 process, Dr. Quinney, and that the targets in fact will
22 come by the local planning group not the province area
23 by area.

24 I don't know if I read that correctly,
25 but if you read the first sentence the OFAH position is

1 that the SLUP and DLUG targets should be refined over
2 time based on a bottom/up analysis basis of the
3 resource production possibilities and it seems to me,
4 if I read this correctly, that the plan is going to
5 dictate the DLUGs and the SLUPs.

6 I'm not saying I disagree with that. I'm
7 just saying that's what it reads to me.

8 DR. QUINNEY: No. The intention is that
9 ultimately the production possibilities possible at an
10 FMU level are used collectively to determine what the
11 strategic level guidelines are going to be and what the
12 district level guidelines are going to be.

13 In the fourth graphic, that bottom/up,
14 top/down planning sequence, we show that the
15 information, the information used to determine the
16 district level and higher objectives originate at that
17 ground FMU level in terms of the timber management plan
18 objectives, they originate there and then come back
19 down to the ground level.

20 MADAM CHAIR: But, Dr. Quinney, is it the
21 Coalition's belief that the DLUGs and SLUPs as they
22 presently are constituted did not take into account
23 information from the management unit level?

24 DR. QUINNEY: Yes, in some cases that's
25 correct, that you can't, in my opinion, rationalize at

1 the FMU level some of the targets that are found in the
2 DLUGs.

3 A good example actually would be the
4 moose targets for a given district, let's say Wawa.
5 The district, of course, consists of several FMUs.
6 There is a population target for that district. There
7 is no way to disaggregate to a particular FMU level
8 which FMU, for example, would be responsible for
9 producing which proportion of the moose herd.

10 MADAM CHAIR: And the Coalition isn't
11 satisfied that the district meets the objective?

12 DR. QUINNEY: What we are saying is that
13 there is no direct linkage between that district moose
14 target, no direct linkage between the ground that is
15 being manipulated to produce those moose and that there
16 should be.

17 When there is, then that can be used to
18 build up towards a district level target that is, in
19 fact, achievable from the ground that is being
20 manipulated.

21 MADAM CHAIR: What's wrong with using the
22 district as the production area?

23 DR. QUINNEY: As the production area?

24 MADAM CHAIR: (nodding affirmatively)

25 DR. QUINNEY: Well, the timber management

1 activities, the on-ground activities are taking place
2 at the local FMU level and the district level then
3 would be an aggregation level above that.

4 MADAM CHAIR: But the plans are approved
5 by the district manager.

6 DR. QUINNEY: Yes, they are.

7 MADAM CHAIR: What's the separation
8 between the activity of -- I don't know in Wawa how
9 many management units there are, but three management
10 units under the management of one manager.

11 Maybe you can help the Board, what's the
12 difference between achieving a district target versus
13 three separate management unit targets that come up
14 with the same number and the same direction.

15 DR. QUINNEY: As long as they are summed
16 up from the bottom up, then that is achievable. That
17 is feasible.

18 MR. MARTEL: Can I just take it one step
19 further then. What you are saying is -- you see, you
20 are tying those targets to the timber management plan.

21 If I understand the process presently
22 there is a wildlife management plan which is not part
23 of but must be taken into consideration.

24 Mr. Hanna shakes his head. Maybe I am
25 wrong, but my understanding is there is a wildlife

1 management plan.

2 MR. FREIDIN: There are targets for
3 wildlife. Targets for population attributed to
4 wildlife management units. They are not plans per se.

5 MR. MARTEL: No, but in an area you have
6 a wildlife management plan that's separate from the
7 timber management plan; do you not?

8 MR. FREIDIN: There has been no evidence
9 of a wildlife management plan similar to a timber
10 management plan or fisheries management plan.

11 MR. MARTEL: No, I didn't say that. I'm
12 simply saying that you have -- but they have their own
13 wildlife management units.

14 MR. FREIDIN: There are wildlife
15 management units with targets for populations assigned
16 to each of them.

17 MR. MARTEL: There is no plan, I
18 understand that, but there are figures in the DLUGs
19 that work their way in. This seems to be trying to
20 link the two closer together.

21 DR. QUINNEY: Yes, particularly again
22 since any targets that MNR has for a moose population
23 there aren't habitat targets associated with them.

24 So what we are asking for is a linkage
25 between the population target, the habitat and the land

1 on which that habitat -- the level at which that
2 habitat is being manipulated by the timber management
3 activities of harvest, renewal, et cetera.

4 MR. FREIDIN: Q. Dr. Quinney, if you
5 have some concerns regarding how the land use
6 guidelines were created in terms of bottom/up,
7 top/down -- you have some concerns about that; is that
8 correct?

9 DR. QUINNEY: A. I'm concerned about, in
10 the case of the district moose population targets, how
11 to translate those targets at the level at which the
12 timber management activities are occurring.

13 Q. Now, if you didn't have this concern
14 about how district land use planning took place, if it
15 had taken place the way you think it should have been,
16 would you be putting forward the same process?

17 Where I am coming from is that it seems
18 to me because of a concern about a different planning
19 process and how it was done you are attempting to
20 include that element of planning in the timber
21 management planning process which is at a lower level.

22 So I go back and say, if the land use
23 plans had been done the way you would like to have seen
24 them done would you be putting forward the same
25 process?

1 A. No, I disagree with what you have
2 said, Mr. Freidin?

3 Q. Well, the answer is you would not be
4 putting forward a different process?

5 MR. O'LEARY: That's not what he said.

6 MR. FREIDIN: All right.

7 DR. QUINNEY: I disagreed with what you
8 had said.

9 MR. FREIDIN: Q. What did I say -- with
10 what do you disagree?

11 DR. QUINNEY: A. Well, what I have been
12 trying to explain is that it's important that the level
13 at which the activities are current occurring to
14 manipulate habitat is the level to begin with where
15 there is a rationalization between population, habitat
16 and activities.

17 Q. Okay. Now, I say, all right, I will
18 agree with that and I go to your Exhibit 2062 and I
19 turn to page No. 4 and that's your bottom/up, top/down
20 analysis.

21 A. Yes.

22 Q. Now, we agreed yesterday that that
23 bottom/up, top/down analysis results in certain land
24 use allocations and targets being developed at the
25 regional and the district level and they are reflected

1 in SLUPs and DLUGs; is that correct? We agreed to
2 that?

3 A. Well, keeping in mind what this
4 graphic is is the top/down -- sorry, the bottom/up,
5 top/down planning sequence we envision for timber
6 management planning.

7 Q. But it is also a bottom/up, top/down
8 analysis. You go through the same sequence if you are
9 doing land use planning?

10 A. Yes.

11 Q. Because, as I understand what you are
12 saying, is that if you want to in fact develop the land
13 use allocation at the district level and at the
14 regional level it should be based on an analysis which
15 starts at the bottom; is that correct?

16 A. Yes.

17 Q. And at the bottom you start out with
18 trying to determine what will the land produce in terms
19 of all the different benefits; is that right? That's
20 where you start?

21 A. Excuse me. We are into...

22 Q. Land use planning.

23 A. Land use planning process. I would
24 agree with that.

25 Q. You go up to the top and an analysis

1 is done using all kinds of tools and perhaps even
2 public consultation and you end up with decisions on
3 land use coming back down, and when you get to the
4 district level you end up with a bunch of land use
5 allocation kinds of decisions; is that correct?

6 A. In the land use planning exercise,
7 yes.

8 Q. Right. In that land use planning
9 exercise there will be an indication as to the kind of
10 activities which are permissible on specific
11 geographical areas in the district; is that correct?

12 A. Yes, that's what the District Land
13 Use Guidelines contain.

14 Q. There is an indication of the kinds
15 of benefits there are hoped to be achieved as a result
16 of allocating the land in that manner; is that correct?

17 A. Yes, I believe so.

18 Q. So there is a determination at the
19 district level of the mix of benefits that are
20 contemplated to be achieved from the land base which
21 constitutes the district; is that correct?

22 A. Well, the district land use plans --
23 yes, they do that.

24 Q. And the forest management units are
25 part of the geographical area included in the district;

1 is that correct?

2 A. Yes.

3 Q. Now, we get back to, I guess, the
4 original question and what Mr. Martel raised when he
5 stopped you on term and condition 217 about whether you
6 have got the cart in front of the horse where it says:

7 "The resource targets contained in SLUPs.
8 and DLUGs shall be periodically updated
9 to ensure consistency with individual
10 timber management plans."

11 Now, as I read your process you are
12 saying at every five years when you are preparing a
13 timber management plan the public will choose the mix
14 of benefits that they would like from their forest
15 management unit; is that correct?

16 A. Could I go to 226, the first graphic,
17 to explain my answer. Again, that graphic shows a
18 number of options, A, B and C, feasible forest
19 production possibilities and then you see the box PC1.

20 So you have some initial feasible forest
21 production possibilities. So this is before a
22 preferred alternative is chosen and at that stage it's
23 made known to the public what the, for example,
24 priorities are from other levels of planning, for
25 example, the provincial level, the district level, and

1 the public, yes, as well as of course the local
2 citizens' committee uses those as guidance in terms
3 of -- from those other levels of planning, use those as
4 guidance in selecting a particular preferred production
5 policy and the associated objectives.

6 Q. Right, but I go back to Panel No. 2.
7 It may be that we are just not understanding each
8 other, we are not communicating very well.

9 I go back to Panel No. 2 and we asked an
10 interrogatory in that panel, question No. 7, we said:
11 Is one of the options open to the public
12 during the consideration of alternatives
13 the option to choose a preferred
14 alternative which can involve the
15 elimination timber management activities
16 on the forest management unit? If not,
17 why not?"

18 We asked that question in the context
19 obviously of a top/down exercise which we have now
20 where, in fact, there has been a determination that
21 there will be timber management out there on that land
22 base, and the answer was: "Yes, possibly."

23 In other words, yes, possibly, and one of
24 the options that they may choose would be no timber
25 management. Then it goes, it says:

1 "Like any other possible option, however,
2 the costs and benefits have to be fully
3 assessed as would existing legal
4 obligations."

5 Now, when I read that answer it conveyed
6 the message to me that you indeed were giving the
7 public on every FMU the opportunity to say: These are
8 the land uses we want, this is our little FMU, this is
9 the mix of benefits we want and they could do that. So
10 you have set up a process which actually says it's okay
11 to do that.

12 Now, have I misinterpreted the intent of
13 your planning process or not?

14 A. Let me explain. Under the options at
15 this stage in the first graphic that are shown an
16 analysis for timber and non-timber values of ceasing
17 all timber management activities should be undertaken
18 in the same manner as for any other alternate timber
19 management scenario.

20 Q. Why?

21 A. In other words--

22 Q. Why?

23 A. --A, B and C.

24 Q. Why? Why would you do an alternative
25 which had no timber management when, in fact, that

1 isn't even an option available to them?

2 MR. O'LEARY: Would you let me him finish
3 his answer, then you can ask him a supplementary.

4 MADAM CHAIR: Continue with your answer,
5 Dr. Quinney, and we will listen to what he has to say,
6 Mr. Freidin.

7 DR. QUINNEY: That analysis would occur,
8 Madam Chair, prior to the selection of the preferred
9 production possibility objectives, and it is my
10 understanding that this is consistent with the
11 requirement for consideration of the do-nothing null
12 alternative of the EA process.

13 MR. FREIDIN: Q. Are you finished?

14 DR. QUINNEY: A. Again, the options with
15 the boxes forest production possibilities in 2062 on
16 the first one are a consideration of alternatives and
17 that; that is, the ceasing of all timber management
18 activities, would result in an alternate forest
19 structure and would result in forest production
20 possibilities and that would be examined as an option
21 and shown to the public with the associated benefits
22 and costs of it. Again, this is prior to the public
23 being asked to provide input to a preferred
24 alternative.

25 It does not --

1 Q. But -- sorry. The choice of the null
2 alternative then, as you have put it, is one of the
3 alternatives which you say should be put to the public
4 and which they should have been the ability to choose
5 as the preferred option? Is that the planning process
6 that you envisage?

7 A. Well, it should be -- that should be
8 shown to the public and it should also be used in the
9 formulation of, for example, decisions at higher levels
10 and this would be in conjunction with the public being
11 told what specific policies there were at a provincial
12 level, what particular policies were at a regional
13 level, et cetera, et cetera.

14 MADAM CHAIR: Excuse me. The Board has
15 just a few questions. Are you going to continue, Mr.
16 Freidin, or can we interject at this point?

17 MR. FREIDIN: I can pick up any time. Go
18 ahead, Madam Chair.

19 MADAM CHAIR: Let's get this straight,
20 Dr. Quinney. What we are saying here is -- and
21 obviously the concern that Mr. Freidin is raising so
22 far as we can tell is the kind of planning chaos that
23 would result from every five years a different
24 composition of public would sit down and look at a plan
25 and say: Well, we have changed our minds, next five

1 years no timber management. We only want to have
2 canoeing and bird watching and remote tourism, and then
3 five years later a new group come to the floor and say:
4 Forget that, we have now decided a preferred option is
5 definitely timber management planning.

6 So every five years you have a different
7 process, you have the selection of a different
8 preferred option because you never start with an
9 understanding of a direction that you would move in for
10 the decision, or can you explain to the Board how after
11 the first exercise there is a commitment to a certain
12 direction that can't be changed every five years?

13 DR. QUINNEY: After, if we are starting
14 first time, preferred production possibility objectives
15 are chosen. The plan is prepared, the objectives are
16 set. There will be an iteration each five years.
17 There is a forest structure associated with those
18 objectives and the iteration would occur each five
19 years.

20 MADAM CHAIR: An iteration, but obviously
21 the forest products industry can't be put on hold five
22 years, mothballed for five years, they can't jump in
23 and out, nor can remote tourism operators, nor can
24 anglers and hunters, they need to depend on the world
25 staying the same in some way and not changing every

1 five years.

2 DR. QUINNEY: I believe what we are
3 saying is the public should see those options and
4 should be a part of that decision-making process.

5 MR. MARTEL: Let's pick it up using 217
6 and 218. Let's read carefully what you in fact are
7 saying. You say in 217:

8 "The resource targets contained in SLUPs
9 and DLUGs shall be periodically updated
10 to ensure consistency with individual
11 timber management plans."

12 If you had stopped after the word
13 "consistency", then I can understand what you are
14 saying. You just can't leave those things there
15 forever and they have got to be updated on a regular
16 basis to make sure that you have the people having
17 input at the bottom and it is feeding up and it is
18 coming back down, but you don't -- what you are saying
19 here is that the SLUPs and DLUGs have to conform to the
20 plan.

21 Let me take it one step further. If you
22 look at 218 you make it even more iffy when you say, as
23 I understand it, I could be totally wrong, the SLUPs
24 and DLUGs targets shall not be binding.

25 Well, every five years you could have

1 something new and those groups of words "with
2 individual timber management plans these things shall
3 not be binding" leave it that nothing is binding, that
4 you don't have a basis to start from ever, it could
5 change. That's what my colleague is saying.

6 It could change at the whim, and I would
7 hope that won't happen and it probably wouldn't, but
8 are you going to have a planning process that is in
9 that sort of position, Dr. Quinney?

10 That's what worrying me. I understand
11 what you want from the land base and you explained it
12 quite well. You want a tie-in, you want a connection,
13 but I'm not sure those words as written -- at least to
14 me, don't say that.

15 They say the DLUGs -- you know, it just
16 doesn't say that in that first sentence of No. 217 and
17 218 further complicates it by saying these are not
18 binding and if they are not binding what are you left
19 with in terms of the bottom/up, top/down process on
20 which you base all decisions?

21 Maybe I'm all wet, Dr. Quinney, but
22 that's pretty straightforward English and I'm not sure
23 it is what you want it to say when I listen to you tell
24 it to me.

25 DR. QUINNEY: Yes, sir, I have not

1 communicated it.

2 MR. MARTEL: I understand what you are
3 telling me. I have some sympathy for what you want,
4 that connection between the land base and how you
5 arrive at the amount of habitat for the objectives
6 which you want to establish for the number of moose you
7 want, let's say, for a whole district and there is no
8 tie-in between, let's say, the three units that are on
9 the district, Wawa as an example, and how often you are
10 going to produce on each.

11 I have some sympathy for that concern
12 because it depends on how the DLUGs were derived at in
13 order to at least set some targets, but it's just the
14 wording.

15 DR. QUINNEY: Well, I can tell you it is
16 certainly not our intention that these things be left
17 up to whims. I would hope that Panel 9 will address
18 this lack of communication that we seem to be having.

19 MADAM CHAIR: Well, you certainly
20 understand the Board's concern and you can be prepared
21 to address that in Panel 9.

22 MR. FREIDIN: Q. All right. Just
23 looking at 217, you say:

24 "The resource targets contained in the
25 SLUPs and the DLUGs...."

1 Would you agree that the ability to
2 achieve targets is dependent on how -- in part on how
3 land use is allocated?

4 DR. QUINNEY: A. Would you give me an
5 example.

6 Q. Well, if you had a target to provide
7 so many remote tourist opportunities in the district,
8 but you said the whole place was going to be turned
9 into an amusement -- pardon me, into timber management,
10 it is all going to be clearcut in one year, the land
11 base -- you wouldn't have allocated the land in a way
12 which would allow you to in fact achieve the target?

13 A. Yes, an infeasible situation.

14 Q. All right. When you say that at the
15 forest management unit level the public can choose the
16 mix of benefits, and you have told me based on your
17 answer to interrogatory No. 7 in Panel No. 2 that one
18 of the options which you put before them is no timber
19 management, would you agree that your planning process
20 is putting before the public or is telling the public
21 they have an option to choose uses of land in the
22 forest management units which are inconsistent with the
23 land use allocations provided in the District Land Use
24 Guidelines?

25 Is that not the impression you are giving

1 the people when you say here is one of your options?

2 A. No, I don't believe so.

3 Q. Why not?

4 A. Because when that option is shown to
5 them, the costs and benefits associated with it, the
6 public is also informed of what the, for example,
7 strategic level or district level targets are and they
8 use that information to state a preference.

9 Once they have stated a preference, then
10 of course it's up to ultimately a combination, for
11 example, the local citizens' committee, the planning
12 team, ultimately the district manager to approve what
13 the preferred alternative will be that's implemented in
14 the unit.

15 Q. Right, but the whole idea of a
16 planning process is the public get involved in the
17 consultation process and they indicate what their
18 preferred alternative is--

19 A. Yes.

20 Q. --and hopefully most times the
21 district manager will say: Gee, that was a good
22 planning process and I think the preferred alternative
23 is all right, but you are setting up a process whereby
24 they can choose a preferred alternative the district
25 manager would never accept, no timber management.

1 A. I disagree, Mr. Freidin. It is my
2 understanding that what we are doing is being
3 consistent with the EA process.

4 Q. All right. Now, that takes me to
5 your comment about the null alternative. You said that
6 a reason, the reason, one of the reasons, I don't know,
7 for including an option of no timber management as one
8 of the options from which they would choose was because
9 of the requirement to have the null alternative in
10 environmental assessments.

11 Now, did I understand your evidence
12 correctly?

13 A. The advice we were -- the Coalition
14 was given was that this type of option was necessary to
15 be consistent with the EA process.

16 Q. All right. If it wasn't required --
17 you are saying it is in there, you put it in there
18 because you think that there is a legal requirement for
19 it to be there?

20 MR. O'LEARY: Mr. Freidin, that's a legal
21 question.

22 MR. FREIDIN: No, I am not asking him
23 whether he is right or wrong in law. I want to know
24 whether that is the reason it is there. You and I will
25 argue one day whether in fact it is legally correct.

1 Q. I want to know, was the sole reason
2 that the null alternative, no timber management is one
3 of the options you feel should be put before the public
4 driven solely on the basis that you believe it is a
5 legal requirement.

6 MR. O'LEARY: Again, that's a legal
7 question.

8 MR. FREIDIN: With respect, I don't think
9 it is, Madam Chair.

10 ---Discussion off the record

11 MADAM CHAIR: We are going to overrule
12 that objection, Mr. O'Leary.

13 Dr. Quinney, you are not being asked
14 whether this is a legal requirement or not. We are not
15 going to put our mind to that until we hear argument.

16 What Mr. Freidin is saying is why do you
17 think that provision is in your terms and conditions
18 and if you think that there was something that you feel
19 you had legal advice to do that that's one answer, if
20 there are other reasons why you think that the null
21 alternative, as you call it, should be one of the
22 options given to the local citizens' committee.

23 DR. QUINNEY: I don't know, Madam Chair.
24 It could have been a combination of things. For
25 example, this would be consistent not only with legal

1 requirements, but consistent with good environmental
2 planning, consistent with the environmental assessment
3 process. I can't recall offhand.

4 MADAM CHAIR: That's fine. We have your
5 answer, Dr. Quinney.

6 MR. FREIDIN: Q. Do you think that when
7 you have -- picking up on your comment that it may be
8 because of good environmental planning, you described a
9 bottom/up, top/down process that is used for land use
10 planning, do you believe that it's good to have broad
11 provincial goals and targets which then get reflected
12 in regional land use kinds of decisions and district
13 land use planning? Is that a reasonable planning
14 framework?

15 DR. QUINNEY: A. We went further in our
16 rationale by saying that:

17 "There is an essential need for
18 provincial level policy decisions to be
19 made to provide guidance for site
20 specific decisions."

21 Q. If you have as a result of that kind
22 of a process certain decisions which are made regarding
23 land use allocation and benefits which could be
24 achieved, do you think it's good environmental planning
25 to allow a hundred separate forest management units

1 every five years to, in effect, change land use on
2 their particular forest management unit if in any way
3 they feel it is appropriate for their forest management
4 unit?

5 A. Could you just briefly repeat that
6 for me, Mr. Freidin?

7 MADAM CHAIR: Mr. Freidin, we are being
8 repetitive here. That's the same question the Board
9 put to Dr. Quinney a few minutes ago and Dr. Quinney
10 said he is going to address that in Panel 9 and you
11 will have, Mr. Freidin, the transcript reference for
12 this question and the Board's comments and we will be
13 waiting to hear your response in Panel 9.

14 MR. FREIDIN: As I was indicating
15 earlier, Madam Chair, Panel 9 may be a lengthy panel.
16 I thought that -- I won't pursue this any further. I
17 thought it would be useful to get some basic
18 information on the planning process at this stage, but
19 I will move on.

20 MADAM CHAIR: Dr. Quinney might have lots
21 of yes and no answers to questions in Panel 9, Mr.
22 Freidin. It might go very quickly.

23 MR. FREIDIN: Well, I suppose it might.

24 Q. Dr. Quinney, would you turn to
25 Ministry of Natural Resources' interrogatory No. 5,

1 please. That's Exhibit No. 2061.

2 DR. QUINNEY: A. Page, please?

3 Q. Page No. 25. Do you have that, sir?

4 A. Yes, I believe this was a question
5 referring to a question asked of Mr. Neave in response
6 to his answer.

7 Q. All right.

8 A. On 29.

9 Q. All right. Maybe Mr. Neave can
10 provide the answer. I'm interested in 5(d). We asked
11 with reference to the list of forest benefits provided
12 in the Coalition's proposed conditions 5(2) to 7.
13 Those are the ones which we went through at some length
14 yesterday. Do you want to just open your terms and
15 conditions so we can make sure we are talking about the
16 same thing.

17 You have listed there all of the various
18 objectives which should be quantified and the question
19 was:

20 "With reference to all those benefits,
21 please specify the parameters for which
22 specific measurable objectives should be
23 developed."

24 In the answer, which is on page 27, you
25 described the way in which those particular objectives

1 should be described and, Mr. Neave, are you the author
2 of this or were you, Dr. Quinney?

3 MR. NEAVE: A. We both were involved in
4 preparing it.

5 Q. So I am satisfied with the answer
6 from either of you. I note that in relation to
7 wildlife populations you identify a number of
8 parameters, age, sex, structure of the populations,
9 characteristics such as fecundity, harvest by humans
10 and that sort of thing.

11 I looked at that and I said -- the first
12 thing I said is, harvest by humans is not affected by
13 forest structure so why are you including that as a
14 parameter because I thought that the whole idea was
15 that you should only have objectives for those things
16 which are somehow affected by forest structure?

17 A. Your question is why a parameter?

18 Q. Yes.

19 A. Very simply, if you are going to
20 establish objectives and you have objectives for moose
21 and those objectives deal with the maintenance of a
22 particular population and provide a variety of benefits
23 to the public you are going to measure the achievement
24 of those objectives by how well you provide recreation
25 to sportsmen, how well you maintain the viability of

1 that herd and the way that you can actually achieve or
2 maintain that population and perhaps enhance it is
3 through forest management or timber management
4 activities.

5 So you have to link all three together.
6 You play with the habitat within an area to ensure that
7 you achieve a given population and the moose themselves
8 will indicate whether that habitat is sufficient.

9 Q. All right. What you have described,
10 I take it, is how you would go about managing, in this
11 case, moose? That is one of the very important factors
12 you would take into account when you are managing
13 moose, is that correct, the issue of harvesting by
14 humans?

15 A. It is one of the means of achieving
16 your objectives -- achieving objectives, I'm sorry, of
17 knowing whether you have achieved the objectives.

18 Q. Let me go to you because you are from
19 part of OFAH, Dr. Quinney. I thought that your idea of
20 your planning process is that you weren't going to have
21 objectives for specific matters which aren't affected
22 by forest structure.

23 Now, I understand you have got moose
24 populations affected by the forest structure so you
25 want to have habitat objectives.

1 Why are you including hunting objectives
2 now in the timber management plan? It seems to be
3 inconsistent.

4 DR. QUINNEY: We are not including
5 hunting objectives, but it's important to remember that
6 timber management activities in addition to including
7 harvest and renewal that are affecting forest
8 structure, timber management activities also include
9 access.

10 Now, in trying to determine, for example,
11 how well your habitat manipulations are working out on
12 the population, for example, how well your harvest and
13 renewal techniques are doing in producing the habitat
14 required to maintain a certain moose population, it's
15 not only the habitat that's influencing that
16 population.

17 You have to know the other factors that
18 are influencing the population in order to know how
19 effective those habitat manipulation activities are
20 being. You have to know the other factors that are
21 influencing the population.

22 Q. Okay. I am going to get into
23 monitoring later as sort of a separate topic, but when
24 you say that the objectives should in fact be described
25 using these various parameters, all right, they are

1 listed here in this answer, can I take it that those
2 parameters have some relevance to the sorts of things
3 that you would have to monitor?

4 MR. NEAVE: A. Let's go back to the top
5 part. The question itself is very unclear at the
6 beginning and that's how we responded, but they are not
7 parameters to the objective. They're a measurement
8 means to determine whether you are meeting your
9 resource objectives.

10 Q. You said they are...

11 A. They are the means of measuring.

12 Q. Means of measuring.

13 A. Right.

14 Q. If they are the means of measuring
15 whether you are achieving your objectives, must all of
16 those various means then be monitored as part of the
17 local effects monitoring program which is being
18 suggested by the Coalition?

19 Maybe that's a question for Dr. Quinney.

20 DR. QUINNEY: A. Sorry, I missed it, Mr.
21 Freidin.

22 Q. Mr. Neave said what he has described
23 or what you have described together in the answer to
24 5(d) are the means of achieving the objectives that you
25 have set for, in this case, wildlife.

1 What I am asking is, does your local
2 effects monitoring proposal then require the monitoring
3 of those various means?

4 A. I thought I had answered that just a
5 few moments ago.

6 Q. Maybe you will repeat it for my
7 benefit.

8 A. All right, I will. With a wildlife
9 population target you are trying to achieve habitat
10 manipulation as one of the means by which you are
11 trying to achieve that population target. In this
12 context, manipulating the habitat through activities
13 like harvest and renewal.

14 It is important that you know the factors,
15 that are affecting that population so you can
16 discriminate what in fact is attributable to your
17 habitat manipulations.

18 MADAM CHAIR: Dr. Quinney, do you agree
19 with MNR's evidence that is before the Board and that
20 comes from one of the ESSA exercises and that is, the
21 relationship or the association between habitat supply
22 and population size has many unknowns in it; you can't
23 say that you can provide 20 hectares of a certain kind
24 of habitat and that will translate exactly into 3.2
25 moose, that the association between those two things is

1 still...

2 DR. QUINNEY: You can't say exactly. You
3 can never say exactly, but you can, in fact, with the
4 appropriate information and analyses make good
5 connections, yes.

6 MADAM CHAIR: So you disagree with that
7 very basic piece of evidence that we have that MNR
8 believes that that association is still not well
9 defined and not proven?

10 DR. QUINNEY: I disagree with that and I
11 believe we will have other witnesses come forward that
12 would disagree with that also.

13 MR. MARTEL: You had people at the ESSA
14 workshops; did you not, Dr. Quinney?

15 DR. QUINNEY: Pardon me?

16 MR. MARTEL: Were your people represented
17 at the ESSA workshops? I think you were.

18 DR. QUINNEY: I believe at the first ESSA
19 workshop, this would be '86 or '87, I believe my
20 predecessor Mr. Lance Males was present at least in one
21 of the early workshops.

22 MR. MARTEL: I am just wondering if you
23 can recall what position the Federation took - this
24 goes a long way back and if you can't recall don't
25 worry about it - with respect to the hypothesis that

1 was put forward? Did you oppose it then or...

2 If you can't recall don't worry about it.

3 DR. QUINNEY: I don't know.

4 MR. MARTEL: If you don't know you don't
5 know.

6 MADAM CHAIR: Mr. Freidin, where are you
7 going with your questioning?

8 MR. FREIDIN: Where I am going is --

9 MR. O'LEARY: Just before you start, Mr.
10 Freidin. Mr. Martel, I think we probably could come up
11 with an answer for you. Perhaps early next week we can
12 respond to that question.

13 MADAM CHAIR: Fine, Mr. O'Leary.

14 MR. FREIDIN: I am going to get into the
15 area of monitoring and how the cost of monitoring is
16 going to be affected by the parameters you have to
17 measure in relation to any particular species.

18 Maybe you should listen to this, Dr.
19 Quinney?

20 Q. I am asking these questions because I
21 want to get into the monitoring area and it seems that
22 the amount of effort, manpower, dollars of any
23 monitoring exercise would be affected by the number of
24 parameters that one has to measure. Would you agree
25 with that?

1 DR. QUINNEY: A. That the level of
2 effort?

3 Q. The amount of time and money to
4 monitor, to have a monitoring program would be affected
5 by the number of parameters or the number of factors
6 one would have to measure or monitor. As a general
7 proposition can you agree with that?

8 A. I think I would need a more specific
9 example because I don't think by definition that's
10 true.

11 Q. Well, all right. If you wanted to
12 monitor populations and somebody said you can do that
13 by flying once over the area and making a record of the
14 number of moose you see. That may be looking at or
15 making a measurement of the parameter or factor of
16 population just in that way.

17 If, on the other hand, somebody said: if
18 you are going to monitor those moose you should monitor
19 the age, the sex, the structure of the population over
20 time and space, you should also take a look at the
21 characteristics such as fecundity, I think you should
22 also look at the projected annual yields and population
23 harvested by humans an as example, the latter situation
24 would be a lot more intensive and, therefore, I would
25 suggest to you a lot more costly?

1 A. Not in the example you just gave, Mr.
2 Freidin.

3 Q. No, just answer --

4 A. Because the information that Mr.
5 Freidin was just mentioning is basically already
6 available.

7 Q. Let's not talk about what is done
8 now, as a general proposition.

9 We may have a disagreement about what is
10 done now and what is not. I will give you an
11 opportunity either in this panel or another panel to
12 deal with that.

13 As a general proposition can you agree
14 that the second scenario that I described to you would
15 be more intensive and, therefore, more costly than the
16 first?

17 A. Not if the information is already
18 available and is being collected.

19 Q. If the information is not being
20 collected then? Hypothetically if the information is
21 not being collected, would the second scenario be more
22 expensive than the first?

23 MADAM CHAIR: Let's move away from
24 hypotheticals, Mr. Freidin, and examine Dr. Quinney on
25 what he is proposing with respect to monitoring and

1 whether it's moose habitat or the moose themselves.

2 That would be more helpful to the Board.

3 MR. FREIDIN: Okay.

4 Q. Yesterday there was a discussion
5 about whether HSA was or was not necessarily incidental
6 or necessarily had to be a part of adaptive management.

7 I want to be very clear. I understood
8 the answer to be that HSA is not necessary. In other
9 words, you could practise adaptive management. If the
10 Board said: Ministry, go out and practise adaptive
11 management tomorrow, all right, Mr. Neave, I understood
12 you to say that you could do that and you could comply
13 with that sort of direction without habitat supply
14 analysis; is that correct?

15 MR. NEAVE: A. Yes, and I would like you
16 to --

17 Q. I'm sorry, the answer was yes?

18 A. Yes and I would like to refer to page
19 38 where we discuss the...

20 Q. Of the witness statement? What
21 document, Mr. Neave, are you looking at?

22 A. The interrogatories.

23 Q. Yes. Which particular question?

24 A. We are talking about the question
25 dealing with existing technologies--

1 Q. No. 12.

2 A. --with the adaptive management
3 process.

4 Q. As I understand that you are saying
5 that the technology of habitat supply analysis is
6 available and could be used in adaptive management? Is
7 that what you are saying?

8 A. That's right.

9 Q. But that does not in any way affect
10 your answer that someone could comply with the
11 direction to practise adaptive management without
12 employing that tool?

13 A. That is correct, with the proviso
14 that adaptive management requires specific objectives,
15 habitat objectives, and those habitat objectives
16 require some form of information. Technical
17 information that is -- could be projected over time and
18 that is the basis of the habitat supply approach.

19 Q. That's why you say it is a tool which
20 will allow you to do that?

21 A. That's correct.

22 Q. There are other ways of doing that
23 which may be less sophisticated; is that correct?

24 A. There may well be other ways of doing
25 it. I have not seen them.

1 Q. All right. So if there are no other
2 ways that you have seen of doing that, if HSA is the
3 only way of doing that, then it seems that your answer
4 is that to practise adaptive management habitat supply
5 analysis is absolutely essential because you are saying
6 you can't quantify these objectives through any means
7 other than habitat supply analysis?

8 A. I will make the distinction again, if
9 I may.

10 Q. Okay. I just want your opinion. I
11 want to make sure I understand you on this.

12 A. Adaptive management in my mind is
13 simply an approach where you establish objectives and
14 you determine, in the case of forest wildlife
15 management, you determine a harvesting regime that
16 allows you to try to achieve those objectives and then
17 you monitor the success of those objectives as to
18 whether the activities actually -- whether you
19 successfully achieved those objectives. If they did
20 not, you either monitor the activities or change the
21 objectives. That's a simple process.

22 A tool to help in the establishment of
23 those habitat objectives is clearly habitat supply
24 analysis. There may be other ways of doing it.

25 In the past, when biologists have dealt

1 with land use issues it has been out of their head and
2 it hasn't been that bad at times, but there may well be
3 other ways of doing it.

4 DR. QUINNEY: A. It may assist you, Mr.
5 Freidin, to refer to the rationale on page 26 of the
6 Coalition's terms and conditions, the rationale for 147
7 and 148.

8 I think for the Board's benefit the key
9 would be that:

10 "The HSA approach provides a direct
11 connection between desired wildlife
12 population levels and required habitat
13 conditions needed to meet those
14 objectives. It is a means effective to
15 implement the adaptive management
16 approach with respect to wildlife."

17 Q. All right, thank you. Could we turn
18 to Forests for Tomorrow term and condition 13 which you
19 will find at -- I have page 10 at the top right-hand
20 corner. I'm not sure how these are -- yes, page 10.

21 MADAM CHAIR: Which question, Mr.
22 Freidin?

23 MR. FREIDIN: Paragraph 13(c).

24 Q. Who authored this particular answer
25 or did both of you do it?

1 DR. QUINNEY: A. Can we just make sure
2 that we are exactly where you are, Mr. Freidin. You
3 are on page 9 of the interrogatory.

4 Q. No, page 10 of the interrogatories,
5 question 13 in relation to page 13, paragraph 27.

6 MR. O'LEARY: That's the interrogatories,
7 not the terms and conditions of FFT.

8 MR. FREIDIN: No, I am talking about the
9 interrogatories.

10 MR. O'LEARY: You said terms and
11 conditions.

12 MR. FREIDIN: I meant interrogatories.

13 DR. QUINNEY: The question 13(c) appears
14 on page 9 and the answer on page 10.

15 MR. FREIDIN: All right.

16 Q. 13(c) asks:

17 "What specific policy planning,
18 operational and technological changes
19 will be necessary for Ontario's forest
20 managers to examine the long-term
21 consequences of alternative timber
22 management activities in the manner
23 suggested by the witness?"

24 That's the question. Do you see that?

25 Now, the answer says:

1 "The change to an integrated timber
2 management planning system as advocated
3 by the Coalition does not require major
4 changes to existing policy and planning
5 structure to initiate implementation."

6 Stopping there. Are there things which
7 the Coalition believes are minor changes which are
8 necessary and are you suggesting that those -- the
9 Board, in fact, direct that those changes be made?

10 MR. NEAVE: A. While Dr. Quinney is
11 coming up with a response, in my opinion there is no
12 major change required. What we are dealing with is a
13 commitment for the wildlife managers to simply add not
14 population targets at whatever level of planning, but
15 some habitat objectives associated with those targets.

16 Q. Okay.

17 A. Which are clearly understood by the
18 other land use interests, whoever that may be.

19 Q. Are those the understates changes
20 that the Coalition then says are required?

21 DR. QUINNEY: A. I would direct you to
22 our terms and conditions, Mr. Freidin, I mean in the
23 sense that our terms and conditions describe the
24 changes that we would like to see incorporated into
25 MNR's planning process.

1 Q. Are all the changes that you referred
2 to and you believe are minor changes to the existing
3 policy and planning structure then because they are not
4 major according to this?

5 A. Mm-hmm.

6 Q. The answer is yes?

7 A. Yes. To start implementation, yes.

8 Q. I notice this answer goes on and says
9 in relation to changing -- MNR changing its process or
10 changing its practises or whatever, it says:

11 "The updating of the technological
12 capability of the forest managers to
13 store, retrieve and manipulate data, the
14 adoption of an adaptive management
15 approach and HSA, the transfer of forest
16 resources information on to GIS data
17 basis and a more efficient use of
18 existing planning and consultation
19 processes would represent a good start in
20 making the timber management planning
21 process more truly integrated."

22 We had a discussion the other day about
23 whether your proposals were going to cost anything and
24 I got the impression that the Coalition feels that the
25 costs would be minimal and the cost of implementing of

1 adaptive management because there is just a change of
2 mindset and I look at these things that you say are
3 necessary and starting with where the Ministry is now I
4 suggest to you that you are suggesting that there be
5 mandated a whole bunch of big ticket items here that
6 are going to cost a lot of money?

7 A. Madam Chair, I go into this in
8 considerable detail in my Panel 9 witness statement and
9 I will be addressing cost implications of the
10 Coalition's terms and conditions thoroughly there.

11 Q. The cost implications and the great
12 detail is Tab No. 4 which is a chart which puts a
13 little checkbox saying data with no numbers at all? Is
14 that the detailed analysis that you have done?

15 MR. O'LEARY: Madam Chair, I think the
16 question is out of order, with respect. It is a matter
17 that should be raised at that time when all of us have
18 the benefit of having the document before us including
19 the witness.

20 MADAM CHAIR: Mr. Freidin, are you
21 satisfied?

22 You have an indication, Dr. Quinney, that
23 Mr. Freidin isn't totally satisfied with the way you
24 addressed this issue in Panel 9 and you might come
25 prepared to provide better detail on what the costs

1 would be.

2 However, since we have Mr. Neave here and
3 he has had some experience with respect to implementing
4 a working HSA system or you have information about two
5 experiences anyway, New Brunswick and Alberta, we might
6 benefit from hearing from you about that.

7 MR. NEAVE: I appreciate the opportunity.
8 The question that you have provided comes out of the
9 original witness statement, question No. 27, and my
10 reason for being here is being to able to indicate that
11 there are some exciting activities occurring across
12 Canada at very low cost, including the adoption of the
13 actual incorporation of HSA into truly integrated
14 forest management.

15 I provided some examples of approximately
16 the cost in New Brunswick and indicated a rough
17 estimate of the total cost.

18 MADAM CHAIR: Could you point the Board
19 to that specifically, Mr. Neave?

20 MR. NEAVE: The original question came
21 out on page 13 of the witness statement, question No.
22 27 and then I believe in the interrogatories of OMNR.

23 MR. FREIDIN: Question No. 7, page 29.

24 MR. NEAVE: Thank you. I provided a list
25 of the amount of dollars over the five or three years

1 depending on the project of Habitat Canada and an
2 indication of somewhat the equal or lesser partners
3 that were involved in the contributions.

4 The point I'm trying to make is that
5 these dollars are extremely small compared to the costs
6 associated with the timber management activities that
7 are currently going on in each one of those areas.

8 I do not know very much about Ontario. I
9 would assume that from a timber management point of
10 view there are very extensive timber inventories, there
11 is consideration at least by the department I would
12 hope of GIS systems for timber management, and all I am
13 saying is these projects are building on to the timber
14 activities, the detailed inventories, the detailed
15 technologies that the foresters have developed and it's
16 not a very high additional cost in these areas.

17 MADAM CHAIR: Excuse me, Mr. Neave. A
18 question that we had, the Board has had with respect to
19 comparisons with other jurisdictions is that the area
20 of the undertaking in Ontario is big. It's much larger
21 than, for example, the Province of New Brunswick.

22 We have evidence before us that many
23 resources in the area of the undertaking are not
24 inventoried. We in fact haven't begun in many
25 instances to be able to afford and go out and count

1 things as they exist. The area is just too large and
2 the inventory is often driven by the timber management
3 planning process. We don't have, as the Board
4 understands it, a completely inventoried forest ready
5 to be analysed in many different ways. You must do the
6 analysis before we manage it for something.

7 Now, in New Brunswick, presumably we are
8 talking about a much smaller forested area than in
9 Ontario and the costs from our simple thinking would
10 mean that they would be exponentially larger in Ontario
11 because it is a much larger geographical area and not
12 as well known because of its remoteness as New
13 Brunswick would be.

14 MR. NEAVE: That's a very good question
15 and is one that I anticipated that perhaps would be
16 asked because Ontario so large.

17 MADAM CHAIR: And unknown in that sense
18 that New Brunswick isn't quite --

19 MR. NEAVE: I think one of the givens is
20 that every province has different information basis,
21 whether they are based on timber inventories, whether
22 they are based on ecological land classifications.

23 Strictly from a timber management
24 harvesting point of view there are different basis of
25 information. So Ontario has its own base of

1 information and it has to build from that, and I don't
2 know what the cost is from a timber side, but as you
3 get more sophisticated in timber management there is
4 going to be a cost saving for Ontario, but there are
5 also benefits. Presumably there would be more wood
6 produced and more jobs and so forth.

7 In the case of New Brunswick, there are
8 ten leases and each lease was considered as a separate
9 unit. You worked with the industry, you worked with
10 the individual company. You have to do that. You have
11 to work with the company, they have to buy in and
12 participate.

13 I see no difference personally between
14 New Brunswick and Ontario. You just have more district
15 units or leases or however you want to break up the
16 country. The actual -- in my mind the cost comes down
17 per unit because the information is quite generic, you
18 can transfer it around.

19 In New Brunswick, the cost is now being
20 borne largely by industry. They want the information,
21 they want to be able to plan. They are buying the
22 habitat supply maps, the units, projections over time.
23 They are using as much or more than the biologists are.
24 Finally they can see what we all want and they are
25 paying for the production of those maps now.

1 So once it is set up the actual cost to
2 the province should go down. The conflicts and all the
3 interactions that we currently have, there will be a
4 reduction of those. There should be a reduction in
5 those costs.

6 MR. MARTEL: Can I ask a couple of
7 questions because of something you said. This
8 \$708,000, is that for the entire province? Does that
9 cover the entire units in the Province of New
10 Brunswick?

11 MR. NEAVE: That started off -- I believe
12 this is over six years now and that is Habitat Canada's
13 contribution. It started off in, I believe, two leases
14 and by the end of the five-year period it was into all
15 ten leases.

16 MR. MARTEL: There are ten leases
17 covering--

18 MR. NEAVE: New Brunswick.

19 MR. MARTEL: --New Brunswick and your
20 contribution for the ten leases is \$708,000.

21 MR. NEAVE: That's correct. There is a
22 gentlemen, Jeff Patch, who I believe will be speaking
23 in the future who can give the details as to the
24 province put so much money in, the federal government
25 through the FRDA agreements put money in and obviously

1 some of the companies contributed as it went along.

2 MR. MARTEL: See, I am not sure you are
3 taking into consideration in Ontario that we have three
4 different types of units. You have company management
5 unit, the FMAs which cover a major portion and you have
6 those operated totally by province, Crown management
7 units. So you have a different animal when you are
8 talking costs.

9 That's why I am just trying to get at
10 what you were doing because it is not only bigger, the
11 breakdown, it isn't just locked off in the companies.
12 There are major portions -- in fact, the cry that we
13 have heard is that Crown management units in fact
14 weren't getting the same sort of funding as the FMAs to
15 regen and do all the things there because of a
16 shortfall of money.

17 We are talking a hundred unit as opposed
18 to ten, we are talking some of them which are -- the
19 total cost would be borne by the province so there are
20 some factors. I'm not saying that should be the limit,
21 but there is a different make-up in Ontario.

22 MR. NEAVE: I appreciate that and I guess
23 from a philosophical approach only, as you provide more
24 tenure the companies have a longer term tenure and they
25 have responsibilities and they should be paying.

1 MR. MARTEL: They have tenure here
2 forever as long as they follow the FMA.

3 MR. NEAVE: The less tenure systems,
4 obviously the Crown is getting more revenue presumably
5 and should be taking some of the additional
6 responsibilities. Philosophically.

7 MADAM CHAIR: Mr. Neave, the seed money
8 that WHC contributed to the New Brunswick project is
9 just some percentage of the cost?

10 MR. NEAVE: That's correct.
11 Approximately a third.

12 MADAM CHAIR: A third, okay.

13 Now, just another question. We have
14 heard this evidence as well from Dr. Baskerville with
15 respect to how he thinks HSA was set up in New
16 Brunswick and how it is running.

17 When you say it "provides the foundation
18 for the first operational adaptive management
19 approach", are you saying that this includes the cost
20 of a GIS system where none existed before, that this
21 includes a cost of inventorying the forest cover and
22 animal populations where it didn't exist before?

23 Are you saying this includes setting up a
24 group of people to do this where they didn't exist
25 before or what are you saying by operational adaptive

1 management approach with respect to HSA?

2 MR. NEAVE: Perhaps if you could just
3 refer me to where you are quoting.

4 MADAM CHAIR: Sorry. In the discussion
5 on page 29 of your contribution to the forest land
6 habitat management program.

7 MR. FREIDIN: Right at the bottom you
8 describe New Brunswick, the very last two lines.

9 MADAM CHAIR: You say that:
10 "The benefits..." and I assume this is
11 what you pay for,

12 "...provides a foundation for the first
13 operational adaptive management
14 approach."

15 Now, that foundation -- we want to know
16 what you bought for 708,000? What was it in New
17 Brunswick before you started this and then you funded
18 something. What did you fund? Was there a GIS system
19 there because this?

20 MR. NEAVE: Yes. New Brunswick has
21 fairly sophisticated timber management planning and
22 technology for planning for timber management.

23 MADAM CHAIR: So you believe the GIS
24 system was in place before you --

25 MR. NEAVE: It was in place for timber at

1 about the time we started, yes.

2 MADAM CHAIR: So the cost of GIS is not
3 involved in this?

4 MR. NEAVE: There was a cost to GIS for
5 the adaption for wildlife, but it was an add-on cost.

6 After that, it would not be profitable to
7 have a GIS system just for wildlife. In my mind it is
8 a very important tool for sophisticated timber
9 management and you have to have it for timber because
10 that's the basis; that's our habitat, that's the
11 vegetation. The trees are how we measure the habitat.
12 So we need that first.

13 MADAM CHAIR: With respect to what you
14 knew about the forest cover and landscape features and
15 the number of -- the population of wildlife, were those
16 data in some form or did you have to start going out
17 and doing inventories to collect that information?

18 MR. NEAVE: The vegetative -- the tree
19 composition, forest structure was in place or was being
20 digitized at about the time it started.

21 So the actual forest structure, in
22 particular timber, if you like, was well inventoried.
23 The information for converting those timber maps into
24 habitat maps was not available and was largely built on
25 existing information. Obviously, there were holes that

1 were filled and will continue to be filled as
2 information -- more sophistication is required.

3 MADAM CHAIR: So the project involved
4 funding some group of people?

5 MR. NEAVE: That's correct.

6 MADAM CHAIR: To sit in front of
7 computers--

8 MR. NEAVE: That's right.

9 MADAM CHAIR: --and work with existing
10 data to create habitat maps?

11 MR. NEAVE: That's correct.

12 MADAM CHAIR: And that's what the money
13 went into?

14 MR. NEAVE: Largely. I believe there are
15 five staff and, again, Mr. Patch will provide much more
16 accurate and detailed information.

17 They were primarily computer experts and
18 there was -- some of the money did go to testing the
19 initial wildlife habitat supply curves that were
20 developed. I understand that some money is continuing
21 to go in that direction, federal and provincial funding
22 and also directly from the province.

23 MADAM CHAIR: Good time for a morning
24 break, Mr. Freidin?

25 MR. FREIDIN: I prefer to keep going, but

1 if you want to break that's fine.

2 MADAM CHAIR: Thank you. We will be back
3 in 20 minutes.

4 ---Recess at 10:33 a.m.

5 ---On resuming at 11:00 a.m.

6 MADAM CHAIR: Please be seated.

7 Mr. Freidin?

8 MR. FREIDIN: Yes.

9 Q. I am going to be asking you some
10 questions, a number of questions in relation to pilot
11 projects, but you made a comment about the degree of
12 familiarity that you have with what's going on in
13 Ontario, and I am just wondering what information or
14 knowledge do you have regarding what is going on in the
15 Province of Ontario in relation to HSA and its
16 development?

17 MR. NEAVE: A. Very little knowledge. A
18 little, but very little.

19 Q. And the very little, are you able --
20 are there any specific projects that you are aware of
21 that are in fact examining, developing HSA?

22 A. No, I could not define them. As you
23 know, I am involved peripherally in one project with
24 the OMNR in timber management.

25 Q. That's the old growth one?

1 A. The old growth one. Obviously, we
2 work with OMNR for a number of other projects, wetlands
3 and so forth. So we do talk about other things going
4 on, but no, I have not spent any time looking at them.

5 Q. So there might very well be projects
6 ongoing, but because they are not in partnership with
7 Wildlife Habitat Canada you are not aware of them?

8 A. That's correct. If I can add to
9 that, I hope there are. That would be great.

10 Q. There will be some evidence about
11 that.

12 Now, Mr. Neave, you had a discussion with
13 the Board regarding HSA and habitat objectives and the
14 Chair put a hypothetical to you and she said, if you
15 produce habitat, if you want the moose to move next
16 door and, therefore, you didn't get the population that
17 you wanted on your intended area, would you have met
18 your objective, and you said, you have met your habitat
19 objective, but if the moose moved next door there may
20 be some other factor which caused the move and you gave
21 roads an an example.

22 MR. NEAVE: A. Right.

23 Q. Now, if you want to know if it was
24 the road that caused them to move, if you wanted to
25 know whether it was the road that made them move or

1 whether it was the habitat being insufficient, how
2 would you go about making that kind of a determination?

3 A. When you set up your objectives for
4 moose habitat in that particular unit, whatever size it
5 is, you are developing an arrangement, an understanding
6 with the timber manager for not just the actual forest
7 structure, but all the other activities that will go
8 on. So you would develop a harvesting program that
9 would achieve your objectives.

10 Now, that would include the time of year
11 perhaps, if there was a winter range or the actual
12 management of the roads depending on -- that would all
13 be part of the original proposition or listing of
14 activities that was going to take place. So it would
15 not be in isolation, one of the other. Habitat and the
16 other sort of management activities going on would be
17 one unit, and then you would measure the success of
18 whether you achieved that.

19 Obviously, the vegetation mix would be
20 from a habitat perspective and also your response by
21 the animals themselves as far as whether the moose were
22 there or not through inventories or whatever techniques
23 you used.

24 Does that answer your question?

25 Q. Partially. But if in fact the moose

1 occupying that area could be affected by a number of
2 factors which you have referred to, hunting pressure,
3 weather, predation, dealing with that, and habitat,
4 roads is another factor you put in and they moved next
5 door and you thought that you did a good job with the
6 habitat, you thought, how would you go about trying to
7 figure out which, if any, of those factors was the
8 cause of the effect which you observed; i.e., them
9 going next door?

10 How would you determine whether the move
11 was the result of poor habitat or a mix of habitat and
12 weather or whether it was all due to predation? How
13 would you do that?

14 A. This gets into a fairly detailed sort
15 of response if you want to get into it, but --

16 Q. I don't really need sort of a
17 detailed design, but can you just start off in general
18 terms how you would go about doing that and then maybe
19 we will have to get into the detail?

20 A. Let's go back to your habitat
21 objectives. Your habitat objectives are not just the
22 actual trees standing, but it's the mix of them, the
23 various types of trees and vegetation.

24 Q. Sure.

25 A. The security, again, from hunting,

1 from road harassment or whatever. It's all habitat
2 related. So whether you are meeting your habitat
3 objectives is the key. It may be some particular cause
4 that demonstrates what you are saying, that you have
5 not met your objectives. How do you find out.

6 Well, you don't have to do this time over
7 and over again. If you don't know -- in most cases you
8 will know very easily and you have to adjust, but if
9 you don't know then you would have to do some form of a
10 research project where it may be predation and you find
11 out whether it is predation or not, but in most cases
12 you know. One area is very similar to another. You
13 can tell based on experience elsewhere.

14 Q. Okay.

15 MADAM CHAIR: Excuse me. Just one
16 question on that point, Mr. Neave.

17 The timber management planning process as
18 it is conceived presently, the district manager will
19 have responsibility for how the plan turns out and how
20 objectives are reached.

21 Now, would you as a wildlifer hold
22 that -- would you consider that district manager to
23 have failed in meeting his moose objective?

24 Let's say it is quantified in a timber
25 management plan and the district manager has done what

1 he has promised to do over five years with respect to
2 providing good moose habitat, however that is defined,
3 and finds out subsequently there was a problem with a
4 closed road that was being used and MNR didn't catch on
5 to it until late in the game and in fact the moose
6 populations were not at healthy as they should have
7 been, did that district manager fail or was he a
8 success in meeting the habitat objectives?

9 I ask that question because intervenors
10 have suggested to us that the district manager and the
11 plan author, that there has to be some focus of
12 responsibility, that in fact someone has to be blamed
13 or held responsible for meeting the objectives of
14 timber management planning.

15 MR. NEAVE: The degree of accountability
16 is very important. I do not know the details of how
17 Ontario's responsibilities lie.

18 In general in response to your question,
19 a biologist as a team player working with the district
20 manager should be able to layout what he wants and when
21 it is defined quite clearly as to the objectives and
22 how the activities are going to meet those objectives
23 he signs off. If those activities are actually carried
24 out as planned and the moose or whatever it is are not
25 there, then he is responsible. Obviously, he did not

1 meet his objectives.

2 If he said: Well, during this process
3 there has been changes, the road wasn't closed as
4 promised or we didn't realize how significant this road
5 was, then you adapt. That's the whole form of adaptive
6 management, you go back and you look at the activities
7 again and say: Well, we have to change it and do it a
8 little bit differently now and the activities are
9 changed and you again monitor to see whether you are
10 successfull and over time you get better and better.

11 MADAM CHAIR: That's pretty reasonable,
12 but what would you say to intervenors who say: If you
13 didn't meet your objectives you should be fired, you
14 have been irresponsible and you have been failure and
15 that's the price you pay for not meeting your
16 quantified objective?

17 Do you think that is a reasonable
18 accountability to hold a biologist or a district
19 manager to, and I am just talking about wildlife
20 habitat and population size?

21 MR. NEAVE: I can't answer that. I can
22 answer that personally and I think that accountability
23 is going to come very quickly, demanded by the public,
24 but professionally I would see that level of
25 accountability being the same for biologists as timber

1 managers or engineers or whatever. They should all
2 have the same level of accountability.

3 Whether he gets fired for making the
4 first mistake or not, I don't know, but part of the
5 (inaudible) dam decision was clearly saying to the
6 fisheries biologist you are accountable and you did not
7 do what you were supposed to have done.

8 MADAM CHAIR: Okay, thank you.

9 MR. FREIDIN: Q. Mr. Neave, you said in
10 the hypothetical I gave you about the situation where a
11 number of factors affected moose, you said if you
12 weren't able to determine easily what was -- which of
13 those various factors was causing the move, causing the
14 effect that you would do research.

15 Could you expand on that? What do you
16 mean you would do research?

17 MR. NEAVE: A. Well, if it's a problem
18 that hadn't been addressed before and there wasn't an
19 obvious answer -- like, if it was a road, it was quite
20 obvious that the road had to be managed some other way.

21 If there was some disease or something
22 that hadn't occurred before and you didn't know why you
23 weren't meeting your objectives, that's why you have
24 research.

25 Part of our problem in not Ontario, but

1 just generally in Canada is we don't have focused
2 research to really address in some priority sense what
3 the issues are.

4 Q. If the research -- you say that you
5 do research in that situation where you don't know
6 which of the various factors is causing the effect that
7 you are observing because it is through research that
8 you can develop a system where you control various
9 factors so you can make a determination of what the
10 real cause is?

11 A. Well, it depends how you define
12 research.

13 Q. Is that how you define research?

14 A. You can do a 20-year research study
15 or you can do -- the field biologist can very simply
16 just do a little analysis. It is all research in the
17 sense that you say: What is the problem. I don't
18 know, I will test it and it may require two days' work,
19 it may require a number of years.

20 Q. So when you in your answer said if
21 you don't know which of the factors is causing the
22 effect you would do research, when you use the word
23 "research" then are you using it in that broad sense
24 that you just described? It could range anywhere from
25 some little work done by a biologist up to a large

1 scale experiment?

2 A. That's correct..

3 DR. QUINNEY: A. One of the benefits, of
4 course, Mr. Freidin, to the HSA approach is that
5 explicitly cause/effect relationships are laid out in
6 that type of analysis.

7 Q. Predictions of cause/effect?

8 A. Cause/effect relationships themselves
9 are laid out in the analysis.

10 MADAM CHAIR: So far as we know them.

11 DR. QUINNEY: Yes. My point here is that
12 the adaptive management approach in blending what I
13 call research and monitoring, it means that if the
14 situation Mr. Freidin has described, it's not
15 immediately apparent what has caused this, what you
16 would do is you would examine those cause/effect
17 relationships and you would see which ones may in fact
18 have contributed to an unexpected event.

19 In other words, it wouldn't be necessary
20 to conduct classical research studies to examine those
21 questions. That could be done using the tool of
22 habitat supply analysis in an adaptive management
23 frame.

24 MR. FREIDIN: Q. All right. Is this all
25 tied into your local effects monitoring?

1 DR. QUINNEY: A. Yes.

2 Q. All right. So there is a clear
3 difference of opinion between the Ministry and OFAH as
4 to whether in fact -- let me step one point backwards.

5 When you do your legal effects monitoring
6 you are trying to learn as a result of doing and
7 observing the effect of doing and adapting where
8 necessary, right?

9 A. Yes.

10 Q. And what you are trying to learn
11 about, I would assume, is what is the cause/effect
12 relationship between your activities and what you are
13 observing?

14 A. Yes, and you have laid them out.

15 Q. Right, you've laid them out.

16 A. Ahead of time.

17 Q. All right. You made a prediction
18 under your system based on the best information that
19 you have as to what the cause/effect will be,
20 relationship will be between your management activities
21 and your population; is that correct?

22 A. mm-hmm.

23 Q. And through your observations and
24 changing over time, changing management action over
25 time, that whole system is designed to in fact learn

1 about cause/effect relationships between timber
2 management activities and the wildlife population that
3 you are concerned about?

4 A. Yes.

5 Q. Now, you indicated in your evidence
6 that there were no controls built into your local
7 effects monitoring program and --

8 A. Sorry, where is that Mr. Freidin?

9 Q. You said there were no controls
10 built -- when you had this discussion about classical
11 research and your local effects monitoring, I
12 understood you to say that there are no controls built
13 into your local effects monitoring approach.

14 A. No. What I was trying to say was
15 that instead of the traditional experimental site
16 comparing with a controlled site, having to have large
17 replications of that type of situation to be confident
18 in one's result, what you would use is the cause/effect
19 relationships at the local level.

20 There are many, many FMUs in this
21 province and you would accumulate that information.
22 You can compare that information from unit to unit
23 also. That is one way of building samples to
24 determine.

25 Q. All right. So you are saying that by

1 looking at what happens on a number of units across the
2 area of the undertaking you compare what happens and
3 you should be able to determine enough in that method
4 to learn--

5 A. As you go.

6 Q. --as you go and learn which of three,
7 four or five different factors is really effecting the
8 population that you are concerned about?

9 A. Depending on the particular objective
10 or question, yes.

11 Q. All right. But you don't have any
12 controls in the classical sense, traditional research?

13 A. No. I --

14 Q. All right, go ahead. No, you don't.

15 A. Again, in the sense that there is a
16 lot of site variability and what this approach is
17 enabling you to do is to deal with that, that's right.

18 Q. All right. In classical research,
19 why do you have controls?

20 A. So you can determine the effects of
21 various experimental treatments.

22 Q. When you have controls, am I not
23 correct that you use controls in a situation where you
24 have a number of variables which can affect the outcome
25 and you control for all of them but one and you start

1 manipulating one of them and you see what effect
2 happens as a result of manipulating the one factor?

3 A. Yes. That's one approach, yes.

4 Q. All right. In your approach to local
5 effects monitoring there is no element of that?

6 In other words, when you get your
7 information from these various units and compare them
8 and say I produced this kind of habitat and I have got
9 this number of moose, what, if anything, is built into
10 your process which would allow you to conclude that
11 your observation in relation to population was being
12 caused by the habitat you were creating as opposed to
13 be influenced perhaps even in a greater way by one of
14 the other factors which affects population such as
15 predation?

16 A. You would know that because you are
17 making the observations at the local level.

18 Q. What observations will you making at
19 the local level then or would be required to be made at
20 the local level using the example of moose populations?

21 A. You would have to be more specific.

22 Q. All right. You have a local effects
23 monitoring program and you are saying you should go out
24 there and do local effects monitoring in relation to
25 each of your quantitative objectives, correct?

1 A. For example a moose target and
2 habitat target has been set for a given FMU.

3 Q. All right. Now, you can go out
4 there -- you have a quantitative habitat objective and
5 you go out there and figure out whether you have
6 created that. That's part of your monitoring; is that
7 correct?

8 A. Yes.

9 Q. You also want to determine what your
10 population is of moose for whom you were creating the
11 population; is that correct?

12 A. Yes.

13 Q. So then you have got to monitor and
14 make a measurement of the population?

15 A. Yes.

16 Q. Now, if you just do those two things
17 you don't know, I would suggest to you, whether in fact
18 the population that you have now counted up are there
19 because of the habitat, how much they are influenced by
20 the habitat, how much they are influenced by predation
21 or any of the other factors, all you know is you have
22 got habitat and you have got moose; isn't that correct?

23 MR. NEAVE: A. Perhaps --

24 Q. I would like Dr. Quinney to answer.

25 DR. QUINNEY: A. I'm sorry, Mr. Freidin

1 I don't see that.

2 Q. Well, you don't see that. So are you
3 telling me that if you go out and you count moose and
4 you count out -- you look at the habitat that's being
5 created and you have got the population that you want
6 that that means that it was because you created the
7 habitat and it wasn't affected by any of those other
8 factors?

9 A. I'm still, I'm sorry, having
10 difficulty following you.

11 Q. All right. Let's put it this way.
12 You make a prediction, you say if I create this kind of
13 habitat I should have -- it should produce this type of
14 population?

15 A. Yes.

16 Q. You go out, you created the habitat
17 and you don't have the population, okay, there is not a
18 moose to be found, okay? Understand that?

19 A. Yes.

20 Q. Now, isn't it possible that you did a
21 great job of habitat, you created the perfect habitat
22 for those moose and the reason they are not there is
23 because a bunch of wolves ate them all?

24 A. That's a possibility.

25 Q. Now, if all you go out and you

1 measure is your habitat that you created and the
2 population you have got, I am suggesting to you you
3 don't know whether the population that you observed,
4 whether it is zero in my hypothetical, five or a
5 hundred--

6 A. Yes, and --

7 Q. --how much of it has been influenced
8 by habitat and how much of it has been influenced by
9 these other causes, do you? You wouldn't know, would
10 you?

11 A. But earlier on in my testimony I have
12 said, and I think it was this morning, that you would
13 also be looking at the other factors that are
14 influencing the population like, for example, weather
15 factors, natural predation. You would be doing that.

16 Q. All right. Now, you would be looking
17 at those. Would you have to monitor for all of those?
18 I guess you would have to now in your system, wouldn't
19 you?

20 A. You would have cause/effect
21 relationship there also.

22 Q. You would have to predict
23 cause/effect relationships in relation to those now as
24 well?

25 A. I submit that's already being done.

1 Q. All right. And you have to monitor
2 for those under your local effects monitoring program
3 to learn about cause/effect?

4 A. Yes. To track your cause/effect
5 relationship, yes.

6 Q. There is no management of marten at
7 the moment and you are suggesting we add marten, the
8 MNR add marten.

9 Now, you would have to go out and do all
10 the same monitoring of all those various parameters and
11 factors in relation to marten if you are doing local
12 effects monitoring; is that right?

13 A. Yes, you want to have cause/effect
14 relationships established on the population side and
15 the habitat side so you can link them.

16 Q. That's not done now?

17 A. Well, there is a lot of information
18 available, for example, through trapping to provide, --
19 just as an example, trapping returns, a lot of that
20 biological information can be obtained. Population
21 dynamic information.

22 Q. But all the information that would be
23 required to be pulled together through a monitoring
24 program is certainly not done now, or are you
25 suggesting that it is for marten?

1 Would it be easier if I changed the
2 species and said pileated woodpecker? How much
3 information is collected about pileated woodpecker?

4 A. Well, there is a lot of information
5 known about both, both the marten and the pileated
6 woodpecker, to set up initial population objectives and
7 initial cause/effect relationships.

8 Q. But you have got to monitor? Once
9 you have made your prediction you have got to go out
10 and monitor?

11 A. Yes.

12 Q. As I understand it, you have to
13 monitor all of the factors which could affect the
14 population?

15 You are nodding your head. Is that a
16 yes?

17 A. Those factors which could influence,
18 okay, the target that we are talking about.

19 Q. Right.

20 MADAM CHAIR: But, Dr. Quinney, isn't the
21 question, should the timber management planning process
22 have to do that?

23 If you have some assurance that the
24 timber management planning process is producing
25 sufficient and the best habitat it can for the species

1 you decide on, then what more can you ring out of it?

2 DR. QUINNEY: Yes, but you want to be
3 able to in fact say that, yes, the timber management
4 activities that I have used to manipulate habitat,
5 okay, I have done those to obtain a particular target.
6 I agree.

7 MADAM CHAIR: Beyond that, this
8 application before us has nothing to do with the
9 predation and the hunting and the weather and anything
10 that will affect that.

11 Mr. Martel and I aren't approving every
12 possible effect on wildlife that could occur in the
13 environment of the undertaking. We are looking at what
14 the application before us can do to protect wildlife
15 obviously insofar as it can be affected by timber
16 management activities.

17 DR. QUINNEY: By timber management
18 activities, yes.

19 MR. FREIDIN: Q. Well, I will get off
20 this topic in just a second, but I just have to refer
21 you back to your terms and conditions, term and
22 condition No. 5, Dr. Quinney.

23 It says -- that is the term and condition
24 that identifies the subject matters for which you
25 should have quantified objectives. It says all the

1 resource benefits which are listed there.

2 DR. QUINNEY: A. Mm-hmm.

3 Q. You are saying, as I understand it,
4 that all of those resource benefits can be affected one
5 way or the other by forest structure?

6 A. Yes.

7 Q. If we look at the objective in No. 6,
8 if we go to page No. 2, it says that one of the
9 benefits that you want to quantified objective for
10 because it can be affected by forest structure is
11 camping, right?

12 A. Mm-hmm.

13 Q. Now, if you have a quantified
14 objective for camping in your timber management plan, I
15 understand that you are suggesting a process which
16 would require local effects monitoring to determine the
17 effect of timber management activities on achievement
18 of that quantitative camping objective; am I correct?

19 A. Yes.

20 Q. Would you agree, sir, that the amount
21 of camping which would occur in any forest management
22 unit is, in fact, influenced by a host of factors in
23 addition to forest structure?

24 A. Would I agree that...?

25 Q. Would you agree that camping, the

1 number of campers or camping -- you know, camping, an
2 objective for camping, whether you achieve it, is
3 affected by number of factors in addition to the forest
4 structure?

5 A. Yes.

6 Q. Now, if your local effects monitoring
7 proposal requires one to measure or monitor all of the
8 parameters or factors which effect the achievement of
9 the objectives set out in the timber management plan, I
10 conclude that your process would require as part of
11 timber management planning to monitor all those factors
12 which might have affected camping, all of them, forest
13 structure and all of the other factors which you would
14 identify; am I correct or incorrect?

15 A. Those factors so you can clearly
16 discern the contribution that the forest structure has
17 made to the achievement of the objective.

18 Q. So is your answer yes, you have to
19 monitor all of those other factors in order to make
20 that determination as to the cause/effect relationship
21 between the activities and the camping objective
22 achievement?

23 A. Sorry, I just gave the answer to the
24 question.

25 Q. So the answer is yes, you have to

1 monitor all those factore?

2 A. My answer was that you would be
3 monitoring the factors required and able to discern
4 that -- I'm sorry.

5 Q. You would have to monitor all the
6 factors which could affect the camping, right, that you
7 used to predict the amount of camping?

8 Do you want me too rephrase the question,
9 Dr. Quinney?

10 MADAM CHAIR: I think what Mr. Freidin is
11 saying, if we could just to put it in a very simple
12 way, would you expect with camping opportunities, for
13 example, that MNR would have to disposal income and the
14 price of gas and the desire of the public to use
15 camping facilities or sites or campgrounds in northern
16 Ontario and the highway, conditions of the highway they
17 take to drive there?

18 I mean, carried to its illogical extreme
19 there are probably 10,000 variables that would get
20 people to camp in northern Ontario in any season, and
21 would you put the responsibility on MNR and timber
22 management planning to take into account all those
23 economic and social effects or would you say: Well, we
24 have got to make sure that there are camping
25 opportunities for people in the area of the undertaking

1 and then in fact we want, you know, dozens of them in a
2 certain area or we want hundreds of them along a
3 certain river?

4 DR. QUINNEY: We want to ensure that the
5 forest structure generated by timber management
6 activities will result in, for example, quality camping
7 opportunities.

8 MADAM CHAIR: Right. You don't want to
9 be see a popular camp site clearcut?

10 DR. QUINNEY: Right.

11 MADAM CHAIR: But you can't expect MNR to
12 monitor all the other effects that get campers out of
13 downtown Toronto into the area of the undertaking?

14 DR. QUINNEY: Centred on the forest
15 structure effects.

16 MR. MARTEL: Isn't that the same problem
17 we had with the other terms? I go back to the ones we
18 talked about, I think they are 117 and 118, a while
19 ago.

20 What you want -- it may be the wording is
21 not as tight as it should be in some of these Ts and Cs
22 to convey what you are really after and they encompass
23 far more than what you are really intending to achieve.
24 Could that be a problem? It seems to me that some of
25 them lead you down that path.

1 DR. QUINNEY: I'm quite prepared to
2 re-examine the wording.

3 MR. NEAVE: I would make a point if I
4 can. If it is my opportunity.

5 MR. MARTEL: Yes.

6 MR. NEAVE: I think what's missing here
7 is that there is a basis of knowledge. When you are
8 monitoring, you are monitoring with an understanding, a
9 basis of knowledge with adaptive management or with
10 objectives and you build on that knowledge and that
11 sort of point got missed.

12 In the case of the camping example then,
13 you are not in isolation. If you are talking about the
14 price of gas or the wealth of people in Toronto,
15 whatever, that's general knowledge, that the impact is
16 occurring. You know this knowledge, it is knowledge.
17 You don't have to monitor those things. It is already
18 well known.

19 MR. FREIDIN: Q. Thank you very much,
20 Mr. Neave, but I take it you are not -- you weren't
21 involved in the preparation of the terms and
22 conditions?

23 MR. NEAVE: A. That's correct.

24 Q. So I take it you are not intimately
25 familiar with all the thinking that went behind the

1 choice of the specific words in them; is that correct?

2 A. I appreciate that, yes.

3 Q. I understand and that's why I am sort
4 of focusing on Dr. Quinney.

5 You may go away and think about, do the
6 words say what was intended, but before you do that I
7 want to make sure that I understand what it is that you
8 do intend because I will re-examine the words again.
9 So we have to understand each other, Dr. Quinney, as
10 soon as possible.

11 So we are talking about objectives,
12 quantitative objectives for camping. You agreed that
13 whether you achieve that objective is affected by a
14 host of factors other than forest structure. Is that
15 agreed?

16 DR. QUINNEY: A. Yes, but with reference
17 to those questions, for example, on the supply of
18 camping, I don't believe I'm the person best suited to
19 answer the question..

20 Q. Well, who is? It is your planning
21 process.

22 A. It's the Coalition's planning
23 process, yes.

24 Q. Right, and you are a representative
25 of the Coalition?

1 A. Yes.

2 Q. In fact you are the only
3 representative of the Coalition that's going to show up
4 as a witness throughout the entire case; isn't that
5 right?

6 MADAM CHAIR: Mr. O'Leary, is there
7 another witness in your client's case who will be able
8 to address particular aspects of camping, canoeing,
9 aesthetics and viewing?

10 MR. O'LEARY: Madam Chair, I am sort of
11 sitting here trying to remain silent while Mr. Freidin
12 continues, but, you know, if we look at the words we
13 are talking about the wording is supply of forest
14 recreation opportunities. So we are not going around
15 counting the number of campers that go into the north.

16 I see this more as argument. If Mr.
17 Freidin wants to confuse everybody by following down
18 the line of questioning he does, that's fine.

19 There will be other witnesses that can
20 respond to some of these questions. There has been
21 some discussion and there has been no decision made as
22 to whether or not it might be helpful to have someone
23 else from the Coalition as well.

24 That might be something that Mr. Freidin
25 would be pleased with, but at this time the list as it

1 is presently before the Board is all that we are
2 planning to produce in evidence.

3 MADAM CHAIR: Thank you, Mr. O'Leary.

4 We do have one problem and I think Mr.
5 Freidin's problem as representing the proponent is that
6 if the Board were to accept this term and condition as
7 proposed by the Coalition and we were -- and it would
8 be binding on the proponent to do it what is asked of
9 it in this term and condition, the proponent is giving
10 a pretty clear message to the Board they don't think
11 they can do that.

12 Now, you are going to have to handle that
13 in legal argument obviously.

14 MR. O'LEARY: That also. In fairness to
15 these witness, they have come to speak to the specifics
16 of their witness statements at this time and there will
17 be a Panel 9 that will go into greater detail.

18 I am trying to allow Mr. Freidin and I am
19 sure the Board is great latitude in his
20 cross-examination because we did start off with Exhibit
21 2062, but that wasn't initially planned. We thought
22 that might help put everything into focus.

23 So my only request is that we remember
24 that this will be discussed in greater detail in the
25 Panel 9 week and we may actually have to go four days

1 then if it requires that sort of --

2 MADAM CHAIR: Thank you, Mr. O'Leary. I
3 think what the Board wants to do to resolve this
4 because this has come up in both Panel 2 and today and
5 it is obviously going to keep coming up and the Board
6 is really no clearer on this issue now than it was, and
7 that is we would like to ask an undertaking of your
8 client if they could explain in writing for the Board
9 what this particular term and condition means and the
10 Board would appreciate that because we are confused.

11 Would you want us to order the proponent
12 to provide 100 camping opportunities in a particular
13 FMU under a timber management plan, site specific, size
14 specific, the number of people who would have to use
15 them and how would we hold MNR accountable to doing
16 that and how they would figure out how to monitor it.

17 MR. FREIDIN: Right.

18 MR. O'LEARY: I think that's an excellent
19 suggestion. We would be happy to put together
20 something along those lines. I think it would be
21 helpful.

22 MR. FREIDIN: All right, but I don't
23 think that that necessaril -- when are we going to get
24 the answer to that interrogatory because this comes up
25 panel after panel. I am asking every witness how are

1 we supposed to monitor, what are we supposed to
2 monitor, what's the frequency, you know, all that.

3 With respect, I don't think it is proper
4 or fair to any of the parties to wait until Panel 9 or
5 to wait even weeks to get the answer to this question
6 and I say it is unfair because all the witnesses who
7 are coming on 5, 6, 7 and 8, other than Dr. Quinney on
8 one of them, are not OFAH witnesses.

9 The Coalition has clearly said that all
10 of these witnesses are being brought forward not to
11 support OFAH's case, they are here as independent
12 professional people to give their opinion. I am going
13 to listen to their opinion and I think their opinion is
14 valuable to the Board, but I want to know what the
15 Coalition's position is.

16 I may ask five witnesses what they think
17 of adaptive management. I may get five different
18 answers and that is probably what I am going to get. I
19 have to know and the Board has to know what is the
20 Coalition's position on it, what did they mean by that
21 and I have to know that as the benchmark to
22 cross-examine these other people.

23 So I agree the undertaking is good, but I
24 must, with respect, continue and get as much as
25 information as I can get now on those things because I

1 am not going to get it from anybody else except Dr.
2 Quinney.

3 MADAM CHAIR: Well, Mr. Freidin, the
4 Board has obviously some sympathy with your situation.
5 We have asked for this undertaking. We would ask that
6 you inform the Board by the end of the day as to how
7 quickly you can deliver a response to that undertaking.

8 We don't have any problems with you
9 continuing to examine Dr. Quinney on some of the
10 specifics, but we are going to ask you to move on when
11 it becomes futile.

12 MR. FREIDIN: That's fine.

13 MADAM CHAIR: Obviously, you and your
14 client and the Coalition have been discussing these
15 terms and conditions for the last couple of years and
16 it is pretty clear that you haven't reached an
17 accommodation.

18 MR. FREIDIN: At the moment I am not even
19 trying to get an accomodation. I am just trying to get
20 an understanding.

21 MADAM CHAIR: All right, we understand
22 your position.

23 MR. FREIDIN: Madam Chair, is that
24 undertaking in relation to all of paragraph 5 because I
25 think my concern applies to all of it, not just

1 recreational opportunities. It is the whole thing.

2 MR. O'LEARY: I assumed that the
3 undertaking went to all of paragraph 5 and any
4 necessary relevant terms and conditions to explain it.

5 MR. FREIDIN: Okay, thank you.

6 MS. SEABORN: Madam Chair, just before
7 Mr. Freidin continues on this point.

8 The instructions that I received from my
9 client are to pursue the OFAH/NOTO planning process in
10 Panel 9. I was somewhat concerned when Dr. Quinney
11 responded that he may not be the best witness to answer
12 some of these questions.

13 MR. O'LEARY: Today, at this time. This
14 time reference.

15 MS. SEABORN: Okay. Well, there is a
16 difference then as to whether or not he will be able to
17 answer them in Panel 9 versus answer them at all.

18 If there are any of the OFAH planning
19 terms and conditions that Dr. Quinney does not feel
20 that he is the qualified person to speak to I would
21 also like to hear about that now because it may be then
22 that I will have to put some questions to these other
23 experts.

24 MADAM CHAIR: Can you identify them for
25 the Board --

1 MR. O'LEARY: Madam Chair, with
2 respect --

3 MADAM CHAIR: Excuse me, Mr. O'Leary.

4 Could you indentify for the Board which
5 numbers those terms and conditions are? You said the
6 planning conditions of the Coalition?

7 MS. SEABORN: They are identified in
8 the -- there is an identification in the witness
9 statement of the terms and conditions that Dr. Quinney
10 is going to speak to, but he is also the only OFAH
11 witness to speak to their planning process and I
12 propose to pursue these points in relation to Exhibit
13 2062 and that evidence in Panel 9.

14 If there are areas of the planning
15 process; i.e., quantification of non-timber objectives
16 that Dr. Quinney does not feel qualified to respond to,
17 then I think we need to hear about that now because we
18 will have to re-evaluate.

19 MR. O'LEARY: Madam Chair, there has been
20 no suggestion that Dr. Quinney is not qualified to
21 speak to it.

22 What I simply indicated and which has
23 happened is the Coalition has set out the manner which
24 it is going to present its case rightly or wrongly and
25 Panel 9 they thought would be the most appropriate time

1 to tie it all in together and it is a little unfair to
2 ask that witness now when the materials are not even
3 with us to start answering questions about the
4 specifics of that.

5 MADAM CHAIR: No one is asking that, Mr.
6 O'Leary.

7 MR. O'LEARY: I appreciate that, but if
8 Ms. Seaborn is saying that Dr. Quinney should now say
9 which areas am I not going to be able to go into
10 specifics now, the answer is we are going to go into it
11 all in specifics. That's the answer to that, then I
12 don't quite understand what the question is that Ms
13 Seaborn was putting.

14 MS. SEABORN: If the Coalition's position
15 is that Dr. Quinney will be able to answer questions
16 about all of the OFAH/NOTO terms and conditions in
17 Panel 9, then that satisfies my concern.

18 MADAM CHAIR: Thank you, Ms. Seaborn.

19 You certainly have noticed, Mr. O'Leary,
20 that we are expecting Dr. Quinney to address the
21 quantification of non-timber values in Panel 9 and you
22 can consult with your client obviously on whether he is
23 prepared to do that.

24 MR. O'LEARY: Madam Chair, if there is
25 any difficulty obviously we will advise the Board and

1 if, given the obvious feelings of some of the parties,
2 it was felt that there might be an additional witness
3 that would be of assistance, then I am putting parties
4 on notice that that's something that may have to be
5 raised.

6 MADAM CHAIR: Thank you.

7 Mr. Freidin?

8 MR. FREIDIN: Yes.

9 Q. Dr. Quinney, could you turn please to
10 Exhibit 2061. These are the interrogatories. Turn to
11 page 42, please. Do you have that, sir?

12 DR. QUINNEY: A. Mm-hmm.

13 Q. That basically deals with the answers
14 to question 17; is that right? Interrogatory 17. We
15 are at the right place, this is interrogatory 17?

16 A. Interrogatory question 17.

17 Q. In relation to --

18 A. Page 41?

19 Q. Yes.

20 A. "In essence...."

21 Q. Yes. This is where you talked about
22 customizing certain relationships. In subparagraph (b)
23 we asked you what specific information would be
24 collected in a local effects monitoring program.

25 Clearly what we have been talking about

1 here for the last half an hour or so.

2 In the answer you say:

3 "The data collected through local effects
4 monitoring must be at a comparable
5 spacial and temporal scale as the
6 forecast effects of planned timber
7 management activities. Similarly, the
8 local effects monitoring data must
9 measure the key parameters used in the
10 cause/effect relationships in the same
11 units."

12 It follows that the specific information
13 to be collected in the local effects monitoring program
14 will be determined by the cause/effect relationships
15 for each of the subjects listed in term and condition
16 5(2) to 7 which we have spent all of this time on in
17 relation to what you have just given an undertaking.

18 Now, are the witnesses - and maybe this
19 is for Mr. O'Leary - is OFAH in its case going to be
20 giving evidence as to the spacial and temporal scale
21 that the forecast should be made in relation to those
22 four various benefits?

23 Are the witnesses going to give evidence
24 regarding the key parameters that should be used in the
25 cause/effect relationships?

1 Will the witnesses be giving any evidence
2 regarding the specific information to be collected in a
3 local effects monitoring program as referred to in this
4 answer? I will stop there.

5 MR. O'LEARY: You have the witness
6 statements and you have the information.

7 MR. FREIDIN: I have the witness
8 statements. We have asked interrogatories. They don't
9 necessarily answer the question.

10 Are those witnesses going to be giving
11 evidence in relation to those subject matters, No. 1?
12 This is bothering me.

13 No. 2, if they are going to give evidence
14 on those subject matters, is the Coalition going to
15 accept their evidence and ask this Board to impose as
16 mandatory spacial and temporal scales for forecasting,
17 set mandatory key parameters that must be used to
18 determine cause/effect relationships and make mandatory
19 terms and conditions regarding the specific information
20 to be collected?

21 Is that part of the Coalition's case?

22 MR. O'LEARY: Madam Chair, we have just
23 given you an undertaking with respect to the very term
24 and condition that Mr. Freidin is now looking for a
25 specific undertaking in respect of our upcoming

1 examination-in-chief.

2 Also, this Coalition will have a chance
3 as will the proponent to make argument at the end of
4 the case and what Mr. Freidin is suggesting is that we
5 should enter into that argument earlier.

6 MR. FREIDIN: No, I am not saying that
7 with respect, Madam Chair.

8 I want to know what it is that the
9 Coalition is going to say to the Board should be
10 imposed in terms of the specifics regarding their local
11 effects monitoring program.

12 If they have no specifics and they are
13 saying we think you should do this sort of thing and we
14 leave it to the Ministry of Natural Resources to
15 determine the appropriate spacial and temporal scale,
16 the appropriate parameters and the appropriate
17 monitoring, that's one thing.

18 I anticipate that is not what they are
19 going to say and if I am correct I must know in order
20 to do my job know what is it that they are going to
21 say, and keeping in mind that the witnesses that are
22 coming in the later panels are not OFAH witnesses.

23 I do not want to be confronted at the end
24 of the day with OFAH getting up and saying: Gee, that
25 was nice, Dr. Kochak said thistis about cause/effect

1 relationship and what should be done, but he wasn't our
2 witness, we don't accept that. We think you should do
3 something else.

4 It is just an untenable position for the
5 proponent or any other party and particularly the Board
6 to be put into while you are hearing all this evidence.
7 Where is it all going?

8 MR. O'LEARY: It is unbelievable. Mr.
9 Freidin wants a free chance before argument has even
10 been had to hear what the final position of the
11 Coalition is. You have got the right of reply at the
12 present of the day.

13 Madam Chair, I have never heard such a
14 suggestion before that in the midst of its evidentiary
15 portion of its case that a party to a hearing should
16 all of sudden start making final argument. It is
17 unbelievable.

18 Now, if Mr. Freidin wants to ask question
19 on these points to the panel that is specifically being
20 produced including a member, a senior member of the
21 OFAH, then he is so well entitled to do it and if they
22 are relevant questions they should be answered, but to
23 suggest at this point that some final argument should
24 be put forth and you can cross-examine on the final
25 argument is just unbelievable.

1 MR. FREIDIN: I don't think that's what I
2 am asking for. You have my submissions.

3 MADAM CHAIR: Thank you, Mr. Freidin.

4 To follow up on what Mr. Freidin has said
5 so far as the Board is concerned, it would be fairly
6 surprising if the Coalition's final arguments were
7 directly opposed to everything they have said in their
8 terms and conditions, but I would think your client and
9 you, Mr. O'Leary, should listen to what Mr. Freidin is
10 saying with respect to what your client is asking the
11 Board to require the proponent to do something.

12 It may not be very clear what your client
13 wants MNR to do. Local effects monitoring covers a
14 multitude of possibilities and the Board is letting you
15 know as well that the specifics on how local effects
16 monitoring would be conducted to the satisfaction of
17 your client is not entirely clear in either the written
18 evidence we have before us or in the terms and
19 conditions.

20 MR. O'LEARY: That's fair comment and we
21 are going to make best efforts to make it abundantly
22 clear to everyone.

23 My concern simply was that Mr. Freidin
24 was asking for an undertaking at this point to give
25 final argument, but obviously the goal is to put in the

1 case of the Coalition in as clear a fashion as possible
2 so that everyone can understand it so at the end of the
3 day a judicious decision can be made based upon a full
4 understanding and a reasonable understanding of what
5 the Coalition's case is and we have every intention of
6 trying to do that and perhaps up to this point it
7 hasn't been as clear as all the parties would like and
8 we are going to try and address that through our
9 response to the undertaking.

10 MADAM CHAIR: Thank you. That will be
11 helpful, Mr. O'Leary, and the Board would just remind
12 all the parties, of course, that the terms and
13 conditions were put together without any prejudice on
14 the part of the parties taking part in the
15 negotiations.

16 MR. O'LEARY: I understand that.

17 MR. FREIDIN: Q. Dr. Quinney, in your
18 evidence you talked about -- when you were comparing
19 traditional research, you were talking specifically
20 about, I believe, the provincial level monitoring
21 program which the Ministry has instituted and you said
22 there was an inability to control the many variables.

23 DR. QUINNEY: A. Yes. Are you referring
24 to a specific place in my witness statement?

25 Q. No, it was during your evidence,

1 during your oral evidence, and rather than -- is it
2 your evidence that in the provincial monitoring program
3 there is an inability to control the many variables
4 such that it makes the provincial monitoring program a
5 waste of time, ineffective?

6 A. Oh, no, I have never said --

7 Q. All right. Just a hold it a second.
8 ---Discussion off the record.

9 MR. FREIDIN: Madam Chair, I had asked
10 Dr. Quinney, he made reference in his evidence -- or I
11 asked, is he taking the position that there is an
12 inability to control the many variables out there such
13 that it makes the provincial effectiveness monitoring
14 program that the Ministry is undertaking in some way a
15 waste of time or ineffective.

16 Q. I think, Dr. Quinney, you said, no,
17 you weren't suggesting that and you were going to say
18 something else.

19 DR. QUINNEY: A. No. What I said, Mr.
20 Freidin -- I answered your question with reference to:
21 were they a waste of time.

22 I have never said they were a waste of
23 time in my witness statement. For example, with
24 reference to the moose project, I have said in fact
25 that if research budgets were unlimited and time was

1 not a factor there could be some very interesting
2 things come out of this.

3 What I have tried to emphasize to the
4 Board is that there should be a priority placed upon
5 local effects monitoring.

6 Q. All right. So your concern really
7 isn't so much with the specifics of those provincial
8 level monitoring programs, it is the fact that monies
9 are being funnelled towards them as opposed to being
10 put into doing the local effects monitoring; is that
11 correct?

12 A. My greatest concern is with
13 priorities.

14 Q. With priorities, but do I take it
15 that you are not taking the position that there is a
16 flaw somehow in the provincial level monitoring
17 programs?

18 A. I don't agree with that statement,
19 Mr. Freidin.

20 Q. If there are flaws --

21 A. Because in a my witness statement, as
22 an example, I have identified flaws at various stages
23 in my witness statement.

24 Q. Could you direct me to the
25 paragraphs, please?

1 MADAM CHAIR: Would it interrupt the flow
2 of your questioning, Mr. Freidin, if we broke for lunch
3 and picked up with the answer on our return?

4 MR. FREIDIN: I thank you for suggesting
5 that there is some flow. I thought it had all been
6 lost. It is a good time to break for lunch.

7 MR. O'LEARY: Some might say downhill.

8 MADAM CHAIR: Thank you. We will be back
9 at 1:30.

10 ---Luncheon recess at 12:00 p.m.

11 ---On resuming at 1:35 p.m.

12 MADAM CHAIR: Please be seated.

13 Mr. Freidin.

14 MR. FREIDIN: Q. I think when we left
15 off, Dr. Quinney, you were going to refer me to
16 portions of the witness statement which you indicated
17 contained the criticisms or the flaws that you believe
18 exist in relation to the provincial effectiveness
19 monitoring program.

20 DR. QUINNEY: A. Programs, projects.

21 Q. Programs, projects.

22 A. Yes. Page 42 of the witness
23 statement, page 41.

24 Q. All right. Page 42, is there a
25 specific paragraph that we should look at?

1 A. Oh yes, my answer to Question No. 81.

2 Q. Yes. Okay, that's 81. What other
3 ones?

4 A. Page 42, my answer to Question 79.

5 Q. Yes.

6 A. Page 41, my answer to 78, page 40, my
7 answer to No. 77.

8 Q. Thank you. Dr. Quinney, could you
9 turn to your Question No. 42 in your witness statement
10 which you will find at page No. 20. Do you have that?

11 A. Yes.

12 Q. Just give me one moment.

13 On that page you talk -- pardon me, in
14 that answer on page 21, the last paragraph where you
15 speak about the adaptive management approach being
16 practical, et cetera, you refer to improved
17 cross-sectional analysis.

18 Do you see that in the third line:

19 "Using site-specific observations,
20 insights into temporal differences can be
21 gained."

22 A. Yes.

23 Q. Is there some relationship between
24 this cross-sectional analysis that you refer to and
25 local effects monitoring?

1 A. Yes, there is.

2 Q. Could you describe for me the
3 connection?

4 A. Yes. It may be of benefit to refer
5 to my answer to Interrogatory No. 8 from the Ministry
6 of Natural Resources. That was provided under separate
7 cover.

8 Q. I think we gave it a separate exhibit
9 number as well, but I don't have it here.

10 MADAM CHAIR: This was Exhibit 2061B. Is
11 that what we're referring to?

12 MR. FREIDIN: MNR 8, I think.

13 MADAM CHAIR: Yes.

14 MR. FREIDIN: 2061B it is.

15 Q. Now, that particular question asked
16 in relation to the portion of the witness statement I
17 referred to:

18 "Please provide an example of and a
19 hypothesis about a relationship between
20 moose population and habitat and explain
21 how you would test it through
22 cross-sectional analysis using
23 site-specific observations?"

24 Now, you are going to, I guess, explain
25 this example, but is this an example of local effects

1 monitoring; I mean, are cross-sectional analysis and
2 local effects monitoring really one in the same thing?

3 DR. QUINNEY: A. The information to
4 perform a cross-sectional analysis can be obtained by
5 local effects monitoring.

6 What I'm doing is contrasting a
7 traditional longitudinal study; in other words, one or
8 two sites over a long time horizon, I'm contrasting
9 that approach with a cross-sectional approach that
10 would look at many sites at, for example, different
11 stages of forest succession, different stand ages.

12 Q. All right. And then how can you
13 explain this example. This is sort of the kind of
14 prediction that might be made -- you contemplate being
15 made within the context of a timber management plan or
16 plans across the undertaking which you would somehow
17 attempt to verify the accuracy of through a
18 cross-sectional analysis approach?

19 A. It's a method of testing the
20 hypothesis described.

21 Q. And in this particular example then,
22 to determine the relationship between browse quality
23 and fecundity, you would in fact monitor the sorts of
24 matters referred to in the last paragraph of the
25 answer?

1 A. Yes.

2 Q. And fecundity, what does that mean?

3 A. Fecundity refers to fertility, for
4 example, the number of offspring produced per animal.

5 MADAM CHAIR: Mr. Martel and I were just
6 saying, maybe you should talk to Baird's Commission On
7 Reproductive Technology.

8 MR. FREIDIN: Q. Now, you've given as an
9 example then if you want to learn what -- the
10 suggestion you're making in the answer is that if you
11 want to learn about the influence of browse quality on
12 fecundity that you could do so by monitoring the number
13 of harvested cow moose or the number of cow moose which
14 were harvested in various -- pardon me, and the
15 vegetative conditions in which they were harvested?

16 A. Yes.

17 Q. And you're saying if you did that
18 over enough areas you would obtain information which
19 would provide you with an understanding of cause/effect
20 in terms of the effect that browse quality had on
21 fecundity?

22 A. Yes.

23 Q. Now, I'm just a layman, Dr. Quinney,
24 but it seems to me that it's not quite as simple as
25 that, and that if you wanted to do a study to determine

1 the effect of browse quality on fecundity, you wouldn't
2 get that information the way you've done it.

3 What I'm suggesting is that, how would
4 you know that maybe the reason that the cows were
5 harvested in a certain kind of browse - that would, I
6 guess, mean No. 1, they liked being in that kind of
7 browse; right, they wouldn't have been there otherwise?

8 A. Yes.

9 Q. Now, the fact that they got harvested
10 there by a hunter might mean that they're in the wide
11 open when they're standing in an area which has just
12 got browse in it, would have nothing to do with
13 fecundity?

14 What I'm saying is, where they were shot
15 has got no relationship to fecundity.

16 A. Well, not necessarily. Any given
17 individual animal is going to have a home range and the
18 habitat within that home range is going to influence
19 fecundity.

20 Q. What's going to influence fecundity?

21 A. The habitat within its home range.

22 Q. Right, right, But you say that what
23 you're trying to do is test a hypothesis regarding how
24 browse quality influences fecundity; is that right?

25 A. Yes.

1 Q. And I'm saying to you that if every
2 moose that was harvested through the -- all of your
3 observations were harvested in browse quality of a
4 certain type, that means that the animal likes that
5 kind of browse, but it doesn't tell you anything about
6 the degree or amount -- the degree of fecundity, it
7 doesn't tell you the number of offspring that that
8 animal produced, which you told me is what fecundity
9 is.

10 A. If you want to know where that
11 animal, that animal has been feeding and that is
12 easily -- that information is easily obtained, browse
13 surveys will do that.

14 Q. Well, I know. I mean, an animal that
15 has offspring has got to feed, but the hypothesis that
16 you have made, how do you tell -- let's assume you
17 harvest a moose, how are you going to find out whether
18 it's had any offspring and the relationship, No. 1, how
19 are you going to do that?

20 A. Well, there are methods of
21 determining post-mortem--

22 Q. There are?

23 A. --fecundity of animals.

24 Q. And how do you do that?

25 A. Well, you look at the reproductive

1 system.

2 Q. Now, again -- I mean, I've just
3 been -- I understand, Dr. Quinney, that you can't tell
4 the number of offspring that a moose has had by an
5 examination of that sort, all you can do is figure out
6 how many times the moose was carrying, how many times
7 it was pregnant, but it doesn't tell you anything about
8 the number of live births, which is what fecundity is
9 all about; am I right?

10 A. Oh, it's my understanding that you
11 can determine fecundity by, for example, again
12 examining the reproductive track, for example, the
13 ovaries.

14 Q. Would you have to know, sir, the
15 amount of time that the particular moose spent in this
16 particular type of browse as opposed to some other kind
17 of habitat to determine the effect -- the extent to
18 which this particular browse influenced fecundity?

19 A. Yes.

20 Q. Would you have to know the health of
21 the animal through the time period over which you
22 thought it was going -- in fact producing offspring; in
23 other words, the fecundity could be just influenced by
24 the health of the animal?

25 A. Yes, it can be.

1 Q. Can it be influenced -- all right.

2 In the hypothesis and the cross-sectional analysis that
3 you have given - and I'm not trying to say, I'm not
4 attacking cross-sectional analysis per se - but I
5 suggest to you that you've described a method which
6 does not take into account these other factors, the
7 amount of time it's spent in other habitat, the health
8 of the animal over the time period you're talking
9 about, and that without looking at those other factors,
10 which can affect fecundity, your cross-sectional
11 analysis is simplistic in the extreme and would not
12 provide you with the cause/effect information that you
13 want.

14 A. I disagree, Mr. Freidin, because,
15 again, my purpose here in this illustration was to
16 contrast a cross-sectional approach with the
17 longitudinal approach.

18 You would do exactly, in terms of the
19 data requirements, exactly the same in a longitudinal
20 study, you would need that same information.

21 Q. The same information that I just gave
22 you?

23 A. Yes.

24 Q. But you didn't provide that
25 information as being information required in a

1 cross-sectional analysis, you didn't list the same
2 information that I just related, you only listed one of
3 three items. Is that correct?

4 A. Yes. I was, again, illustrating how
5 a cross-sectional approach would be used as opposed to
6 a longitudinal.

7 Q. So in terms of this specific
8 hypothesis we're talking about here, it wouldn't be as
9 simple as you've described here in the last paragraph
10 of the answer, there would be a lot more involved in
11 terms of monitoring and data collections?

12 A. Yes, there would be more involved.

13 Q. Thank you. You made a comment about
14 using the same information or collecting the same
15 information.

16 Are you saying that you would have to
17 collect the same information for either a
18 cross-sectional analysis as part of local effects
19 monitoring as you would for a longitudinal or long-term
20 research project?

21 A. Yeah, in some cases. You gave an
22 example of, would you want to know the health of an
23 animal, and the answer is yes in both cases, yes, you
24 would.

25 Q. And can you make a general comment as

1 to whether or not you would need the same sort of
2 information to do a cross-sectional analysis of all
3 cause/effect relationships - let me go back - to make a
4 prediction about a cause/effect relationship between
5 timber management activities and something, population.

6 Can you comment generally whether you
7 would need the same information in order to carry out a
8 cross-sectional analysis through local effects
9 monitoring as you would have to collect for a
10 longitudinal or a more traditional research project
11 that you are critical of?

12 A. Yes.

13 Q. And is the difference then between
14 the two approaches that in the case of local effects
15 monitoring you would have to collect this data
16 everywhere, whereas in a longitudinal or traditional
17 research program you would not?

18 A. The problem with the longitudinal
19 study in an example like this is, how would you
20 extrapolate from that site to others, again,
21 particularly given the variability as an example that
22 we find in the area of the undertaking.

23 Q. Okay. Now, I understand -- all right
24 now, leaving aside then the difficulty of
25 extrapolating, I take it from your answer that if you

1 are comparing the collection of information as part of
2 your local effects monitoring program and you're
3 contrasting that to the amount of data that you have to
4 collect for a long-term traditional research project,
5 that the local effects monitoring approach is more data
6 intensive in terms of having to, in fact, obtain more
7 information because you're doing the same thing at many
8 more sites. Am I correct?

9 A. No, I don't think so, no.

10 Q. All right. Well then, if in fact --
11 well, I don't understand how you can come to that
12 conclusion when you have told me that the amount of
13 information to be collected in the two cases is the
14 same and that you collect the information on more
15 situations in local effects monitoring, I don't
16 understand how you can come to the conclusion that you
17 just stated.

18 A. Well, my answer would be that in the
19 case of the local effects monitoring you're using the
20 data that you're already collecting and you're using
21 that data from several sites.

22 Q. But if you are collecting -- using
23 the data you're already collecting, you're making an
24 assumption that all of the data that you need to do
25 your cross-sectional analysis is already being

1 collected; is that what you're saying?

2 A. That would depend on the particular
3 question that was being addressed.

4 Q. All right. You indicated that one of
5 the reasons that -- concerns about the provincial level
6 monitoring was that you had difficulty extrapolating
7 because of the site variability; is that right?

8 A. Mm-hmm. An example where I explain
9 that would be the top of page 41 in my witness
10 statement.

11 Q. And what particular section should we
12 look at?

13 A. The top paragraph.

14 Q. The top paragraph, all right. Okay.
15 As I understand your concept of using cross-sectional
16 analysis, I take it that what you're saying is that you
17 would be comparing the results in similar situations
18 which occurred across the area of the undertaking and
19 you would come to some conclusion regarding
20 cause/effect?

21 A. In terms of, yes, certain generic
22 relationships. Yes, I'd agree with that.

23 Q. If the variability is so great, as
24 you have suggested, across the area of the undertaking,
25 aren't you going to have the same problem with

1 variability in your local effects monitoring as you
2 would have for a long-term study?

3 A. No, I don't think so, if we're
4 talking about, for example, exploring generic
5 cause/effect relationships, no.

6 Q. What do you mean by 'generic
7 cause/effect relationships'?

8 Generic I guess is what I'm really
9 getting at, generic cause/effect relationships, what
10 have you got in your mind when you say that?

11 A. That those cause/effect relationships
12 are the same regardless of site.

13 Q. Regardless of site, but if...

14 A. Habitat quality and fecundity is a
15 generic relationship.

16 Q. But if you make a bunch of
17 observations and you say that some generic relationship
18 is the same regardless of site, wouldn't that lead you
19 to think that perhaps the reason that you had a generic
20 relationship was affected by something other than the
21 site.

22 A. Well, again, in the case of habitat
23 quality and fecundity, that will vary.

24 Q. That's not --

25 A. I say.

1 Q. But just generally speaking, if your
2 comparative analysis is saying - and I'm talking about
3 your concern about the variability across the area of
4 the undertaking - that what you're going to end up with
5 is some sort of generic relationship, cause/effect
6 relationship identified and you'll be able to say:
7 Gosh, that relationship is the same regardless of site
8 because I looked over a large area.

9 To me, all that says is, something is
10 causing that relationship to be generic; i.e., to be
11 the same across there, and it probably isn't the site,
12 something else is doing it.

13 A. Yes.

14 Q. Now then, how will your comparative
15 cross-sectional analysis, the way you are perceiving to
16 do it, provide you with information about cause and
17 effect so that you can modify your management practices
18 based on some reasonable basis?

19 A. Well again I would say, Mr. Freidin,
20 it depends on the question we want to address, the
21 particular question.

22 Q. So some questions -- well, there are
23 a lot of generic -- all right. Are you able to give me
24 a list or give me some sense of the kind of generic
25 relationships that you think it's important that you're

1 suggesting, in fact, should be better understood?

2 A. Not off the top of my head.

3 Q. All right. We would have to have
4 that sort of information to really then come to any
5 sort of view as to whether you were to learn anything
6 meaningful if the results with this generic
7 relationship exists regardless of site.

8 Ou're noddin in the affirmative?

9 A. Yes.

10 Q. All right, thank you.

11 And I understand you're somewhat familiar
12 with the long-term provincial effectiveness monitoring
13 program in relationship to the moose habitat
14 guidelines; is that correct?

15 A. It's been some time. But again, the
16 last time, for example, that steering committee met was
17 1990.

18 Q. Does that document, in fact, list or
19 describe generic relationships?

20 A. The document -- which document are we
21 referring to?

22 Q. This is the -- I understand from
23 Panel 16's evidence, I'm talking about the monitoring
24 program regarding the effectiveness of the moose
25 habitat guidelines.

1 A. The September, '89 -- September, '89
2 moose guidelines effectiveness monitoring.

3 Q. Right, and the ESSA Report which was
4 the foundation of that document, which was also filed
5 in Panel 16.

6 A. Your question, please.

7 MR. O'LEARY: Have you got a page
8 reference?

9 MR. FREIDIN: No.

10 Q. Is it your understanding that the
11 provincial effectiveness monitoring program in relation
12 to the moose habitat guidelines and the ESSA document,
13 which was produced as part of the development of that
14 program, identify generic relationships, generic
15 cause/effect relationships which are going to be the
16 subject matter of the study?

17 DR. QUINNEY: A. I'd have to look
18 thoroughly through the document. I can't recall.

19 Q. All right. Assuming that they set
20 out various hypotheses of effect--

21 A. Mm-hmm.

22 Q. --is it fair to say that -- or are
23 you able to advise whether ESSA and a number of the
24 other scientists who were involved in developing that
25 project believe that you can learn about those

1 cause/effect relationships through the long-term
2 effectiveness monitoring program?

3 A. Yes, I believe that would be true.

4 Q. And do you believe that you should be
5 able to, in fact, learn about those and it's just the
6 time you're concerned about?

7 Well, there's two questions there. Do
8 you believe that you can learn about cause/effect
9 through that effectiveness monitoring program?

10 A. Cause/effect relationships that are
11 important with reference to timber management
12 activities, moose habitat, moose populations?

13 Q. Yes.

14 A. Yes.

15 Q. Okay.

16 MADAM CHAIR: Excuse me, Dr. Quinney. Do
17 you think that if, as a result of the effectiveness
18 monitoring program for the moose habitat guidelines, if
19 at year two the research uncovered something very
20 relevant and important and it would make an obvious
21 difference in how to manage moose, that those wouldn't
22 be instituted rather quickly into MNR's management as
23 opposed to waiting 20 years?

24 DR. QUINNEY: The problem I have, Madam
25 Chair, is that I believe fundamentally the moose

1 guidelines aren't testable as such, as written they're
2 not testable, and what the Coalition is proposing is
3 that they be replaced by design manuals that actually
4 have predictions and explicit cause/effect
5 relationships laid out in them.

6 That's not to say that the effects
7 research won't uncover important information but,
8 fundamentally, the guidelines themselves should be
9 replaced.

10 MR. FREIDIN: Q. Without getting into
11 any detail, is it your understanding that there are
12 scientists who work in this area of moose/timber
13 relationships who believe that the guidelines are
14 testable in this fashion?

15 DR. QUINNEY: A. I don't know, because I
16 would have a question, and that is: Show me what's
17 being tested here.

18 Q. Well --

19 A. If I open up the moose guidelines, I
20 don't see the predictive -- I don't see the
21 predictions, I don't see the explicit cause/effect
22 relationships, I don't see the linkage, probably most
23 importantly, I don't see the linkage between the
24 prescriptions in the moose guidelines.

25 If you carry out such and such, what the

1 population response is going to be, and that's very
2 important. If I do this, what will the habitat results
3 be in terms of population response of the moose
4 themselves. That linkage is missing and it's vital.

5 MR. MARTEL: Do you agree that the moose
6 population has increased significantly since the panic
7 a number of years ago that brought in the various
8 changes in the permits which were allowed and so on?

9 DR. QUINNEY: I would like to look at the
10 individual unit figures rather than try and say,
11 provincial population on a whole is increasing.

12 It's my understanding that, yes, the
13 total numbers, the total provincial moose numbers have
14 increased between 1980 and where we are now, but that's
15 not to say that there aren't habitat problems in
16 certain locations, that there aren't, for example,
17 units where the habitat could be manipulated to further
18 increase those populations as an example.

19 MR. MARTEL: But the guidelines that were
20 introduced post-1988 - and, as you know, we went to
21 visit those sites and requested other people to submit
22 to us areas that they wanted us to go and see - so that
23 they're so relatively new, can one say that they are,
24 at this stage of the game, failing because there's not
25 a linkage?

1 I mean, what's going on there is vastly
2 different, at least in the area we saw in our last
3 visit, than what was done pre-1988; will you accept
4 that, that what's happening since 1988, it's
5 significantly different.

6 DR. QUINNEY: At the site you saw.

7 MR. MARTEL: Since the guidelines came
8 in, is different significantly than what was there
9 prior to the guidelines in terms of pathways and the
10 whole business and leaving of reserves around aquatic
11 sources and whatnot, the present application.

12 DR. QUINNEY: Is there a better present
13 application than five years ago?

14 MR. MARTEL: Yes.

15 DR. QUINNEY: I would -- I'm not in a
16 position to say right across the area of the
17 undertaking, I don't know.

18 MADAM CHAIR: Dr. Quinney, is it your
19 position that every management unit in the area of the
20 undertaking is required to produce moose?

21 DR. QUINNEY: Is required to?

22 MADAM CHAIR: Under your proposed
23 management planning system.

24 DR. QUINNEY: No, no, Madam Chair, not
25 required to produce moose.

1 MADAM CHAIR: Do your proposals require
2 that moose habitat be produced in every management
3 unit?

4 DR. QUINNEY: Well, we would like to
5 see -- we would like the public to have the opportunity
6 to see what's possible in terms of timber management
7 activities creating a moose habitat.

8 Now, the final decision as to how much
9 moose, how much moose habitat in each unit, we're not
10 saying "x" number of moose per unit, no, we're not.

11 MR. MARTEL: Do you know of any units
12 where they're not applying the guide -- are there any
13 units, save maybe some of the southern ones, where
14 they're not actively applying the guidelines, to your
15 knowledge? I mean, if you don't know, you don't know.

16 DR. QUINNEY: I don't know.

17 MR. FREIDIN: Q. Just one last question,
18 Dr. Quinney, about the testability of the guidelines.
19 Do you think that the Ministry of Natural Resources and
20 scientists in ESSA would recommend a monitoring program
21 to determine the effectiveness of the application of
22 the moose habitat guidelines if they believed, as
23 professionals, it was not testable?

24 DR. QUINNEY: A. No, I don't think they
25 would, but I would sure like to see...

1 Q. Thank you. Can you refer to your
2 term and condition 123, please. You'll find that -- it
3 starts at page 20. Do you have that, Dr. Quinney?

4 A. Yes.

5 Q. It states:

6 "Provincial level effects research shall
7 be initiated to supplement the individual
8 FMU effects monitoring and shall include
9 the following...", and I go over to page
10 21, it's going to be a:

11 "Provincial level effects research
12 program which shall include the
13 following: The adequacy of the habitat
14 conditions resulting from the
15 featured/significant species and
16 biodiversity planning approaches to
17 provide habitat for associated forest
18 flora and fauna species."

19 The rationale for that particular term
20 and condition states that:

21 "Effects monitoring has been generally
22 recommended to occur at an individual FMU
23 level.."

24 The two impacts identified in
25 this term and condition, and I'm just

1 interested in the last one:

2 "...however, do lend themselves to be
3 dealt with at a generic level and
4 provincial level effects research program
5 can result in useful and meaningful
6 conclusions."

7 And my question for you is: Is the
8 useful and meaningful conclusions, do the useful and
9 meaningful conclusions relate to or refer to
10 cause/effect relationships?

11 A. Yes.

12 Q. Why not do it at a local level like
13 you're proposing for the featured species themselves?

14 A. Well, I address that in my answer to
15 Question 82 on page 43 in the third paragraph.

16 I believe I mentioned, Madam Chair, that
17 in the case of wildlife species in the area of the
18 undertaking there are many, over 300 vertebrate species
19 alone, and what I'm saying here is that, as I say in
20 the last sentence:

21 "I see provincial level research being
22 the next best solution to local effects
23 monitoring in these cases."

24 In my evidence-in-chief I explained with
25 a high number of species like that that would be

1 impractical.

2 Q. Okay. I'm just wondering then
3 functionally, if you can draw conclusions about all
4 these other species as a result of a provincial level
5 study, why wouldn't you be able to come to similar
6 kinds of conclusions, get the same sort of useful and
7 meaningful conclusions if you did a provincial study
8 for the featured species themselves?

9 A. Well again, Mr. Freidin, I have never
10 said there is no use in conducting those studies.

11 Q. All right.

12 A. What I've said is that the priorities
13 should be shifted to local effects monitoring.

14 Q. Okay. You would be happy to know
15 that I'm going to move off monitoring and go on to
16 something else.

17 Mr. Neave, I have some questions for you
18 and I think it might be helpful if you had in front of
19 you the Ministry of Natural Resources interrogatory
20 part of Exhibit 2061, Question No. 7, which you'll find
21 at page 29 of that exhibit.

22 That's the one which sets out the various
23 projects that Wildlife Habitat Canada has been involved
24 in in terms of making contributions.

25 MADAM CHAIR: In the interrogatories, Mr.

1 Freidin?

2 MR. FREIDIN: Yes, Interrogatory No. 7,
3 page No. 29.

4 MADAM CHAIR: Thank you.

5 MR. FREIDIN: Q. You see where the
6 answer is, you start listing the various projects, and
7 at Tab No. 5 of your witness statement some of these
8 programs are, in fact, identified.

9 MR. NEAVE: A. That's correct.

10 Q. Now, when you refer or describe these
11 various projects, Mr. Neave, you refer to them as pilot
12 projects.

13 A. That's correct.

14 Q. What's the significance of referring
15 to the project as a pilot?

16 A. Habitat Canada a number of years ago
17 made a decision to support the development of
18 forestry/wildlife integration through a more technical
19 means and actually made that commitment at the National
20 Forest Sector Strategy Congress with the Canadian
21 Forest Ministers Council, and we said we would fund
22 pilot projects to stimulate the development of
23 integration of forest/wildlife programs and that's why
24 we call them pilot projects.

25 There were some before that we built

1 into, but most of them started basically at that time.

2 Q. The projects are on limited areas
3 within various provinces, as opposed to being something
4 which is being -- a project which is being conducted
5 across the entire area?

6 A. No.

7 Q. Leaving aside New Brunswick. Leaving
8 aside New Brunswick.

9 A. Yeah, I'm sorry, okay. Yes, all the
10 others are based on a forest management lease. In a
11 few cases, that's more than one lease in a combined
12 area.

13 Q. Can we look at the St. Mary's --
14 looking at the first one, the St. Mary's River Forestry
15 Program. I note, sir, that when -- first of all, in
16 relation to each of them you have the WHC contribution,
17 in this case it's \$120,100 for three years. Is that
18 the total for the three years or is that an annual
19 figure?

20 A. That's over the three years.

21 Q. Okay. I note that in relation to the
22 benefits you have indicated in the last sentence:

23 "Real benefits depend upon approach to
24 forest management adopted by government
25 (i.e. constraint versus adaptive

1 management)."

2 I note if you go to item No. 3 you
3 indicate in brackets:

4 "(adaptive management makes better use of
5 this kind of information and research
6 than the guideline approach)."

7 You make similar comments in other areas
8 as well. Just looking at the last one on page 32 after
9 describing the project:

10 "Real benefits depend upon whether this
11 information is applied through constraint
12 or adaptive management approach."

13 Am I correct, sir, that you are not aware
14 of or cannot advise the Board whether the results of
15 these individual projects will be used within a
16 constraint management approach or an adaptive
17 management approach as you have described in your
18 evidence?

19 A. No, I can provide a status as to what
20 that information is going to be -- how that information
21 might be used with each one of those projects, if you
22 like.

23 Q. All right.

24 A. Where it says, depends on approach,
25 there's a reason for that and I can -- perhaps because

1 there are different reasons, I should go through them
2 all.

3 Q. Well, maybe we should do that.
4 Dealing with the -- before we do that, the St. Mary's
5 River Forestry/Wildlife Project, am I correct, sir,
6 that HSA is not part of that project?

7 A. That is correct, although they are
8 looking at that, New Brunswick's approach at this time.

9 Q. Am I correct that there is no
10 long-term prediction of population or
11 habitat/population relationships at this particular
12 time?

13 A. Long-term habitat, sorry.

14 Q. Habitat/population relationships?

15 A. In the form of an HSA model, yes, but
16 not...

17 Q. Yes, I'm correct that they are not
18 doing that?

19 A. Yes, in the form of an HSA model.

20 Q. They are not doing that?

21 A. That's right.

22 Q. And am I correct that the thrust of
23 the wildlife portion of this particular project is
24 looking at wildlife/habitat associations; in other
25 words, the association of various kinds of wildlife to

1 particular types of habitat?

2 A. I have to give you the genesis of
3 this particular project to --

4 Q. Sorry.

5 A. I have to give you the genesis of
6 this project to put it in perspective.

7 Q. All right.

8 A. This project was developed without
9 the strong support of the province, it was developed by
10 two pulp companies with the support of the Fish and
11 Wildlife Branch of the Department and the objective of
12 this particular project was to demonstrate how to work
13 forestry and wildlife or integrate forestry and
14 wildlife objectives.

15 They have come to the point where they
16 are now wanting to move to the next step. The Fish and
17 Wildlife agency, somewhat like I suspect in other
18 provinces, is caught on the horns of a dilemma, they
19 see what they should be doing, but whether they have
20 the money for it and whether the government is willing
21 to go for it is another issue.

22 But this project was designed to
23 demonstrate what could be done without the tools that
24 New Brunswick had, but clearly they see what they would
25 like to do, and it's now come to the point where

1 hopefully a decision will be made in the near future.
2 That is the genesis of that project.

3 Q. And can you explain what you mean
4 then by the comment in the last sentence of benefits:

5 "Real benefits depend upon approach to
6 forest management adopted by government
7 (i.e. constraint versus adaptive
8 management)"?

9 A. That's what I explained, the
10 government has got to make a decision as to how they
11 plan on integrating forest and wildlife objectives.

12 This project has demonstrated that
13 there's an interest, that the two objectives can be
14 integrated, that there is interest by industry as well
15 as by the private sector and fisheries and so forth,
16 but the government has to make a decision as to how
17 they plan on managing their forests.

18 Q. Am I correct then that really what
19 they're doing now at the moment is that they're
20 practising what you would describe as a constraint
21 approach?

22 A. I'm sorry.

23 Q. Am I correct then that they're
24 applying a constraint approach at the moment, they're
25 using guidelines dealing with mitigation and that sort

1 of thing?

2 A. Yes, yes.

3 Q. In terms of item No. 3, I won't spend
4 any time on No. 2, we've heard about that one and we
5 are going to hear from Mr. Patch who will provide us
6 with information.

7 A. Right.

8 Q. No. 3, the Quebec one. Again, is the
9 reason for the comment in the benefits the fact that
10 the information might be useful within an adaptive
11 management approach but, at the moment, they're
12 practising a constraint approach?

13 A. No. In Quebec - and I do not speak
14 French - but I have most of the material that they're
15 working with. The forestry agency in Quebec has
16 developed some very strong wildlife "guidelines".

17 They're concerned about that and, in this
18 particular case, the Laval University project, they
19 have riparian zones which are a certain width, for
20 every stream they're a certain width, and there's an
21 appreciation by industry and by the forestry agency and
22 by the wildlife agency that you don't work on averages.
23 In some cases you need a wider width, in some cases you
24 need a narrow width.

25 And this particular project was done with

1 the objective of trying to find how you can protect the
2 riparian zone and not using a guideline, but using some
3 sort of information, that's hard information, it's
4 technical information in a scientific form, so that you
5 don't leave a lot of timber wasted because it has no
6 real value as far as protecting the riparian zone, it's
7 just an extra strip of width, but in some cases there
8 is not enough protection and the wood that's left
9 doesn't do the job, you have to go to some form of
10 adaptive management.

11 And that clearly is a small research
12 project which is using the adaptive management approach
13 to plug into a guideline and will replace eventually
14 the riparian guideline. That's clearly the objective.

15 Q. Now, the riparian guideline which is
16 there now is just a single width that goes around all
17 the water bodies and along all the streams?

18 A. Yes, I believe it's variable like
19 most of them are, maybe half a chain or two chains
20 depending on the class of stream, but it's still an
21 average.

22 Q. Let's see if I can shorten this
23 somehow.

24 A. I can shorten it for you, if you
25 like, by just defining -- Manitoba is an early project.

1 They've had difficulty, as you know, with the status of
2 their pulp company in Manitoba and it's semi on hold.

3 Saskatchewan, clearly would like to go to
4 an HSA approach and have done a lot of work, the
5 forestry company, in compiling information through
6 consultants into a usable form to develop an HSA model.

7 Q. Do they do population monitoring out
8 there?

9 A. I beg your pardon?

10 Q. Is population monitoring part of that
11 project?

12 A. Well, population, but also they're
13 converting it to -- they're not doing very much in the
14 way of field research, primarily it's still at using
15 the data they've got and converting it into land,
16 timber sort of surveys.

17 Q. And I understand that that particular
18 project is being undertaken by Weirhauser on its own
19 limits?

20 A. That's correct.

21 Q. And it's not at the moment being
22 proposed to be extended to all the companies who are
23 operating in Saskatchewan?

24 A. The Saskatchewan government has made
25 a commitment that they would like to expand that

1 project across the Saskatchewan, the other two pulp
2 companies that are in Saskatchewan.

3 Q. All right.

4 DR. QUINNEY: A. I would just mention
5 for the benefit of the Board that in the Coalition's
6 Panel 9, Mr. Bob Stewart will be appearing and he is
7 actively involved in the Weirhauser project.

8 Q. Thank you, Dr. Quinney.

9 A. The case in Alberta, this is a small,
10 very small project tied into the adoption of the Jack
11 Ward Thomas HSA approach that Welwood has introduced
12 with the Alberta government 10 years ago.

13 This particular project is just defining
14 one component in adaptive management form dealing with
15 the caribou.

16 Q. This is the Alberta study?

17 A. That's correct.

18 Q. Is that the lichen study, or is that
19 something different?

20 A. There's a lichen study in British
21 Columbia also, but this is a lichen study here, yes.

22 Q. Is this a study where the purpose is
23 to evaluate the amount of lichen which is in fact on
24 the area?

25 A. Yes.

1 Q. And I don't want to go through every
2 one of these, unless you want to do so.

3 A. Great. No, that's fine.

4 MADAM CHAIR: We are going to take our
5 afternoon break in a minute, Mr. Freidin.

6 MR. FREIDIN: We are.

7 MADAM CHAIR: How many questions do you
8 have, or how much longer are you going to be to
9 complete your cross-examination?

10 MR. FREIDIN: Oh. Well, I'll finish. My
11 guess is I'll finish within a half hour to an hour.

12 MADAM CHAIR: Okay.

13 MR. FREIDIN: I will finish today, unless
14 there is a lot of re-examination.

15 MADAM CHAIR: Okay. We will be back
16 after our afternoon break.

17 ---Recess at 2:40 p.m.

18 ---On resuming at 3:05 p.m.

19 MADAM CHAIR: Please be seated.

20 Mr. Freidin.

21 MR. FREIDIN: Q. Mr. Neave, you
22 commented earlier regarding the degree of knowledge you
23 had about what was happening in Ontario in relation to
24 HSA.

25 I would like to ask you about the extent

1 of your knowledge regarding other projects ongoing in
2 Ontario that the Ministry of Natural Resources is
3 involved in dealing with the subject matter of wildlife
4 and which, in fact, involve consideration of the
5 relationship between wildlife and timber.

6 I mean, do you have any knowledge about
7 projects of that type?

8 MR. NEAVE: A. I have a general
9 knowledge on a fair number of the projects, both ones
10 within Ontario by the province and also some of the
11 federal initiatives, but very, very general knowledge.

12 I am on the research advisory committee
13 of Peter Duinker's, so I hear progress reports of their
14 work. And, as I mentioned earlier, we are involved
15 peripherally with the old growth forests, but I don't
16 have a detailed knowledge of it.

17 Q. All right, thank you. Exhibit 589
18 was the National Forest Sector Strategy for Canada and
19 you gave some evidence about that.

20 MADAM CHAIR: Which exhibit are we at,
21 Mr. Freidin?

22 MR. FREIDIN: Exhibit 589. National
23 -Forest Sector Strategy. You probably won't need it for
24 the purpose of following my questions, Madam Chair.

25 MADAM CHAIR: Okay. Go ahead, Mr.

1 Freidin.

2 MR. FREIDIN: Q. On page number (v) we
3 have the preface, Mr. Neave.

4 MR. NEAVE: A. Right.

5 Q. And it indicates in the second last
6 paragraph that:

7 "As a follow-up to the National Forest
8 Congress, a task force consisting of five
9 deputy ministers of forestry and some
10 representatives from industry, labour,
11 professional foresters, academia and
12 environmental organizations was
13 established to draft the new National
14 Forest Sector Strategy for consideration
15 of the forum in St. John."

16 And it indicates that the task force
17 members are listed in the appendix. Can I assume that
18 it was the task force that, in fact, drafted the
19 National Forest Sector Strategy?

20 A. That is correct. There were, I
21 believe, four workshops or conferences, or whatever
22 they call them, at the time dealing with issues. That
23 - one was environment and wildlife.

24 Q. And would it be fair for me to assume
25 that the task force members would be probably the most

1 knowledgeable group regarding what the general intent
2 of the document was?

3 A. The task force that was struck - this
4 goes back six, seven years ago now - drafted the first
5 draft.

6 Q. Right.

7 A. That document was extensively revised
8 twice at the actual Congress in St. John and there was
9 no wildlife section, for example, in the first draft
10 at all, there was no reference to wildlife.

11 Q. The task force people were involved
12 in those particular workshops?

13 A. Actually, no. I shouldn't say that,
14 some of them definitely were.

15 For example, the one dealing with -- the
16 representative of the environment, Al Davison, was not
17 a member of the Congress in St. John as I recall, he
18 was designated as a writer, part of the writing team
19 but he was not -- he did not participate in the actual
20 discussion.

21 Ken Pointer and Louis Lemieux were both
22 there at the actual Congress.

23 Q. I notice that both Professor Ken
24 Armson and Professor Baskerville were members of the
25 task force, and I find that at the appendix at page 21;

1 am I right?

2 A. You're right.

3 Q. And do you know those two gentlemen
4 personally?

5 A. Very well.

6 Q. And are they individuals whose
7 opinion you respect?

8 A. Regarding forestry, yes.

9 Q. And do you believe that they were in
10 a position to have a good understanding of the purpose
11 and intent of the National Forest Sector Strategy for
12 Canada?

13 A. Well, again, I'm not sure whether Ken
14 Armson was actually at the -- represented Ontario at
15 the Congress, I believe he was a minister at the time.

16 Q. All right. What about Dr.
17 Baskerville?

18 A. I cannot recall. I know he was
19 there, I can't recall if he was actually there as a
20 member or there as a guest or delegate or however they
21 separate them, but definitely they both had an impact.

22 And the reason I bring it to your
23 attention is that only the official delegates were
24 allowed in the actual conference room. So if a
25 minister went, his deputy and chief forester, whatever,

1 would not be there.

2 Q. Okay, thank you.

3 Dr. Quinney, in your witness statement
4 you indicate that you're a member of the Wildlife
5 Society?

6 DR. QUINNEY: A. Yes, were.

7 Q. This is in your CV.

8 A. Yes, that's correct. Yes, that's
9 correct.

10 Q. Is that the Wildlife Society that you
11 are recommending one must be a member of to sit on a
12 planning team if you're a biologist?

13 A. Certification, yes. Yes, they offer
14 that --

15 Q. Certified in that Society?

16 A. Yes, that society.

17 Q. Are you certified?

18 A. I am not currently certified. I am
19 applying for certification.

20 Q. All right.

21 Dr. Neave, you have -- I mean, Mr. Neave,
22 you have travelled across the country and had contact
23 with a number of individuals involved in resource
24 management?

25 MR. NEAVE: A. Correct.

1 Q. In those travels have you met people
2 who you felt were knowledgeable about resource
3 management issues but who did not hold professional
4 qualifications?

5 A. Yes, and the Wildlife Society
6 recognizes that as I recall, although it's a bit
7 outside my depth, but definitely there are fish and
8 wildlife officers, some of them are extremely
9 knowledgeable.

10 Q. And are these people who you believe
11 through their experience and whatever other education
12 they have, although it may result in formal kinds of
13 professional titles, are these people whose opinions
14 that you feel that you could rely upon?

15 A. My own experience, and I go back to
16 Alberta days, some of the fish and wildlife officers
17 that were experienced could probably provide as good a
18 background of local knowledge as any professional
19 biologist.

20 I hope that doesn't get back to Alberta.

21 Q. In relation to the trapping
22 compensation issue, Mr. Neave, am I correct that the
23 program or scheme that they have in place in Alberta
24 does not -- is not one which requires the forest
25 industry to provide compensation, it's a scheme which

1 is directed solely at the oil and gas industry?

2 A. You are partially correct. The
3 scheme was developed for both the oil and gas and the
4 forest industry and any other major land user.

5 At the time it was initiated it was for
6 oil and gas only, and I've not, as you know, been
7 involved for the last number of years, but I believe at
8 some point it could include the timber industry.

9 Q. At some time it could?

10 A. Yes.

11 Q. I'm looking at Exhibit 2071 which is
12 in fact the document which was filed, the May, '85
13 description of the Alberta Trapper Compensation
14 Program, and these pages aren't numbered, but on the
15 fourth page of that document it states:

16 "The seismic activity of the oil and gas
17 industry often operates through
18 contractors and moves frequently and
19 quickly through many trapping areas so
20 that opportunities for direct settlement
21 for damages are limited.

22 In contrast, the timber and oil sands
23 industries operate for long periods in a
24 given area and, hence, allow ample
25 opportunities for resolving differences

1 directly."

2 Now that I read that I don't think it
3 helps one way or the other. It's a fairly equivocal
4 statement and I just wasted some paper.

5 How does that reflect in their program,
6 if at all?

7 A. Your comment or the -- sorry.

8 Q. How is that reflected in their
9 program. Do they in fact -- is that one of the -- as
10 do I understand, there's only a levy on the oil and gas
11 people, there's not a levy on the forest industry?

12 A. That's correct.

13 Q. All right. Thanks, Mr. Hogg.

14 Dr. Quinney, you very early on in the
15 evidence-in-chief talked about taking various values --
16 in fact, it may have been in cross-examination with Mr.
17 Baeder, he was talking to you about quantifying various
18 values and you made the comment, if it can be managed
19 it can be quantified, and then you were asked some
20 questions about: How are you going to do that, and you
21 referred to Panel 8.

22 DR. QUINNEY: A. I deferred that to
23 Panel 8.

24 Q. All right. Now, Panel 8 talks
25 about -- but I think, did you -- did I understand your

1 evidence to say that you would want all these different
2 values to be somehow reduced to a common descriptor,
3 or something like that?

4 A. No. What I tried to say was that
5 there are methodologies available to perform those type
6 of valuations and that will be part of Panel 8
7 evidence.

8 Q. Right. But when you're talking in
9 your planning process about alternatives--

10 A. Yes. .

11 Q. --and try to make tradeoff decisions,
12 is it part of your approach that all of these values
13 and the effects on these values somehow be described in
14 the same way so that you can somehow make tradeoffs?

15 A. Yes, they can be evaluated, yes.

16 Q. And are you saying then it's part of
17 your process that they should be all described in the
18 same way so that you can make the tradeoffs?

19 A. Well, in terms of, again, the
20 particular techniques, I don't have a competence to
21 comment on the particular techniques but, yes, I
22 believe that's possible.

23 Q. Right.

24 A. And again, Panel 8 will address that.

25 Q. And as I look forward through your

1 panels, Panel 8 is the only one which seems to suggest
2 the common method of describing these various values,
3 it sort of attributes economic values to them, and I'm
4 assuming that it's the Coalition's position that all
5 values that you're talking about, all these various
6 benefits and all these alternatives should all be
7 reduced to some economic descriptor so that you can
8 then make tradeoff decisions.

9 I just want to know whether I understand
10 that correctly or not.

11 A. Not necessarily economic descriptor
12 but, yes, you will hear, hear about that in Panel 8.

13 Q. They don't talk about anything other
14 than economic dollar kind of descriptors.

15 A. They do talk about valuation methods.
16 I believe Dr. -- yes, Dr. Victor will.

17 Q. We will wait.

18 Mr. Neave, you indicated in one of the
19 interrogatory responses, 7(b) of the Ministry's in
20 particular.

21 MR. NEAVE: A. Page?

22 Q. 32. Go back to question -- the
23 actual question appears on page 29, but let's just deal
24 with the answer (b), 7(b) on page 32.

25 A. Right.

1 Q. You indicated that you were not aware
2 of any pilot projects in Canada in which all forest
3 benefits are being analysed for one or more rotations.

4 And will you be more specific. Are you
5 aware of any pilot projects in Canada in which all of
6 the forest benefits identified in the Federation's or
7 the Coalition's term and condition No. 5 are being
8 analyzed for one or more rotations?

9 A. No.

10 MR. FREIDIN: And, as a last matter,
11 Madam Chair, I'm not too sure where the discussion
12 regarding the listing of the essential elements of
13 adaptive management was left.

14 I want to raise that because my
15 recollection is that it may have been left to be dealt
16 with by Panel No. 9.

17 I raise it now. My rationale for doing
18 so is similar to my concern about local effects
19 monitoring. The witnesses -- yes, in fact, I think it
20 was left by saying: Well, we'll hear from the other
21 witnesses about adaptive management.

22 I'm interested in knowing what the
23 Federation's evidence is on that, probably more so than
24 I am hearing from these individual witnesses from other
25 provinces, and I'm wondering whether it would be

1 appropriate to have an undertaking that that list that
2 was initially requested by the Board be provided before
3 Panel 5 starts.

4 It's a matter of -- I'm sure the
5 Coalition has thought about it at great length, it's a
6 fundamental part of their case, and it would certainly
7 be of assistance to me to have the Federation's view on
8 that matter before we proceed with all of the other
9 witness panels.

10 MADAM CHAIR: Mr. O'Leary.

11 MR. O'LEARY: Madam Chair, we responded
12 to that request the other day. We thought the witness
13 statement fully addressed it, and I'm not in a position
14 to say whether or not we felt there was anything else
15 we could add to that.

16 Perhaps I could discuss it with the
17 Coalition and if there is anything else we can add to
18 the witness statement and produce it in the next short
19 while, I would be happy to do that.

20 MADAM CHAIR: I think yesterday we
21 accepted that we would leave it as it stood in the
22 witness statement, but it would be of help to the Board
23 if we could have a half page five or six point listing
24 of the most important aspects of the adaptive
25 management approach as it is being proposed by the OFAH

1 Coalition.

2 MR. O'LEARY: All right.

3 MADAM CHAIR: And we would appreciate
4 receiving that as soon as possible. And we are
5 finishing early this week, so if we could receive that
6 by fax by the end of the week, that would be very
7 helpful.

8 MR. O'LEARY: I haven't had a chance, by
9 the rules, to even speak with Dr. Quinney yet. I would
10 presume that because it's the Coalition involved, that
11 something of this nature is going to have to be seen
12 and approved by all of the senior parties and it may be
13 that the end of the week is a little onerous.

14 I will inquire and let the Board know,
15 perhaps tomorrow morning, whether or not we can meet
16 that time. I just wonder if some time next week would
17 be a more realistic target.

18 MADAM CHAIR: Well, if it's already
19 covered by the Panel 4 written evidence, then the Board
20 can't see why it wouldn't be -- those points wouldn't
21 be extracted from the Panel 4 --

22 MR. O'LEARY: Oh, okay, I'm sorry.

23 MADAM CHAIR: Weren't we told yesterday
24 that Dr. Quinney believed that the major components
25 were in the Panel 4 evidence.

1 MR. O'LEARY: Yes.

2 MADAM CHAIR: And if that's the case,
3 then it's extracting those key points and putting them
4 on one page in front of the Board.

5 MR. O'LEARY: Were you asking for -- I
6 thought you were requesting that the undertaking would
7 be earlier this afternoon with all the other --

8 MADAM CHAIR: That's a separate
9 undertaking.

10 MR. O'LEARY: Oh, all right. I thought
11 you were asking for them all at the same time.

12 MADAM CHAIR: No, we were bringing up the
13 issue yesterday again and I think Dr. Quinney - I saw
14 him nodding - that he would be able to put together a
15 short list from the Panel 4 evidence of the key
16 components.

17 MR. O'LEARY: You can do that.

18 MADAM CHAIR: Thank you.

19 MR. O'LEARY: On the second undertaking
20 we will try.

21 MR. FREIDIN: Thank you, gentlemen.

22 MADAM CHAIR: Mr. Freidin, just one
23 question. With respect to the Wildlife Society
24 certification, isn't that in the Panel 5 evidence not
25 the Panel 4 evidence?

1 MR. FREIDIN: Panel 7. I think it is
2 Panel 7, Dr. Thomas I think refers to it.

3 MADAM CHAIR: I think Mr. Krochak does as
4 well next week, from a wildlife biologist now, that
5 being different than the Wildlife Society.

6 MR. FREIDIN: No. The terms and
7 conditions that gave rise to my question was OFAH term
8 and condition No. 40, I believe, and the reason I asked
9 is that it requires that you have on a planning team a
10 certified wildlife biologist and a certified fisheries
11 biologist who must be qualified or certified, if we
12 read Dr. Thomas' evidence, by this particular society
13 in the United States.

14 All right, sorry, not the United States,
15 Canada and the United States.

16 MADAM CHAIR: That's the Wildlife
17 Society, and the biologist's certification is discussed
18 next week by Mr. Krochak.

19 MR. FREIDIN: Right.

20 MR. O'LEARY: Yes.

21 MADAM CHAIR: All right.

22 MR. FREIDIN: And that's why I asked. I
23 was interested in whether Dr. Quinney was certified --
24 pardon me a certified wildlife biologist and he said
25 no.

1 DR. QUINNEY: I am applying.

2 MR. FREIDIN: I know.

3 MR. MARTEL: What if they don't accept
4 you.

5 DR. QUINNEY: Pardon me.

6 MR. MARTEL: What if they don't accept
7 you.

8 MR. FREIDIN: Those are my questions,
9 Madam Chair.

10 MADAM CHAIR: Thank you very much, Mr.
11 Freidin.

12 Are you prepared to proceed with your
13 re-examination, Mr. O'Leary.

14 MR. O'LEARY: May I just have a moment?

15 MADAM CHAIR: Of course.

16 MR. O'LEARY: Madam Chair, we just have
17 one question - I think our time might be better spent
18 trying to answer some of the undertakings - and it's
19 for Mr. Neave.

20 RE-DIRECT EXAMINATION BY MR. O'LEARY:

21 Q. It flows out of the question that Mr.
22 Freidin put to you in respect of Interrogatory No. 7 of
23 the MNR and the list of the various projects through
24 Canada, and I know we didn't go through them all.

25 If you felt there were any additional

1 comments that flow out of the descriptions of those
2 projects or any of the other projects listed under Tab
3 5 that you thought might be helpful to the Board in
4 terms of understanding the adaptive management
5 approaches that are being considered elsewhere in
6 Canada, I would just invite you to provide the Board
7 with your thoughts at this time.

8 MR. FREIDIN: Madam Chair, the subject
9 matter of adaptive management was the correct evidence.
10 They spoke about these particular projects, they
11 highlighted some of them. Mr. Neave had every
12 opportunity to lead this evidence.

13 I asked him about them, I didn't tell him
14 he couldn't answer any more questions. I said I wasn't
15 interested. He indicated that he didn't have anything
16 else to say on the matter.

17 I don't think he should be revisiting
18 this issue.

19 MR. O'LEARY: I didn't think it was that
20 clear, but...

21 MADAM CHAIR: Mr. Neave, did you have
22 anything to add?

23 MR. NEAVE: No, that's fine.

24 MADAM CHAIR: In the event, we would have
25 to allow Mr. Freidin to ask another question if any new

1 information came out.

2 But you have nothing to add anyway?

3 MR. NEAVE: No, that's fine. I think
4 I've covered it, thank you.

5 MR. O'LEARY: Probably put the fear of
6 God into him, Madam Chair.

7 That would be it.

8 MADAM CHAIR: All right. Then, we will
9 be back at 10:30 on Monday, February the 3rd, that is
10 next Monday, and I believe we indicated yesterday that
11 the Board would be very happy if you could begin,
12 finish Panel 5 next week and begin Panel 6.

13 MR. O'LEARY: Immediately.

14 MADAM CHAIR: As well, and if we can
15 finish Panel 6 next week, all the better.

16 I understand that we can't begin Panel 7
17 the week after because we're bringing in a witness from
18 Oregon, yes.

19 So we certainly accept that, but we like
20 to keep the hearing running as quickly as we possibly
21 can and the Board can make better use of a week's free
22 time in its other work than it can by splitting the
23 week.

24 MR. FREIDIN: Madam Chair, one issue that
25 I would like to raise, and just perhaps the Board can

1 give some comment or guidance on it.

2 A number of interrogatories are answered
3 by saying: This matter will be dealt with in Panel 7
4 and Panel 9. So the legitimacy of the question is not
5 being denied, they're just saying we're not answering
6 this now, it will be answered in Panel 7 or 9.

7 If the same question wasn't asked as an
8 interrogatory in relation to Panel 7 and 9, but
9 speaking for my client, we would like the answer to
10 that question in writing as if it was asked in those
11 panels. So, for instance...

12 MADAM CHAIR: Well, did the Coalition
13 have to read your mind on this, Mr. Freidin, or did you
14 resubmit them as interrogatories for subsequent panels?

15 MR. FREIDIN: No, no, we just got them.
16 I was reading, for instance, Panel 6's interrogatories
17 which we just got.

18 MADAM CHAIR: Right.

19 MR. FREIDIN: There is a number of them
20 that say, we will deal with this in 7 and 9, and all
21 I'm saying is where in fact the Coalition has said
22 that, I mean, I would want the Board's view - and I'm
23 suggesting that the Board indicate that it would be
24 appropriate - that the Coalition provide a written
25 answer to that Panel 6 interrogatory along with the

1 answers to the Panel 9 interrogatories if that's where
2 that issue is going to be dealt with.

3 Do you understand what I'm saying?

4 MADAM CHAIR: I understand what you're
5 saying.

6 MR. FREIDIN: Otherwise I have to
7 resubmit supplementary interrogatories. That seems
8 like a silly thing to have to do.

9 I'm just wondering, maybe Mr. O'Leary has
10 no problem with that.

11 MR. O'LEARY: Well, I do have some
12 problem because I'm not certain of the intent behind
13 some of the questions being put to a witness that isn't
14 the author of evidence that is going to be presented.

15 There may be other reasons, that cannot
16 be foreseen, and if there is a response that you feel
17 should be answered by subsequent panel as indicated in
18 our response, a letter to my office would probably be
19 sufficient.

20 MR. FREIDIN: Then I can advise you right
21 now, you will get a letter from me asking supplementary
22 interrogatories in relation to those panels.

23 And I take it if you have a problem
24 answering those, because you think they are improper,
25 you will raise them here.

1 MR. O'LEARY: Well, you may call them
2 supplementary. If it's a situation where you have
3 asked for a response and you've asked the wrong witness
4 and you're now -- and we have directed you to the right
5 witness, that is appropriate, but supplementary is a
6 broad term.

7 MR. FREIDIN: If you referred me to Panel
8 9, I'm assuming there's witness in Panel 9 that can
9 answer the question.

10 MR. O'LEARY: Yes.

11 MR. FREIDIN: All right. You've got your
12 letter.

13 MADAM CHAIR: You've got your answer, you
14 have to get the xerox machine going, Mr. Freidin, and
15 resubmit the interrogatory.

16 MR. FREIDIN: No, no, it's very simple.

17 MADAM CHAIR: Okay. Thank you very much,
18 Mr. Neave.

19 MR. NEAVE: Thank you for the
20 opportunity.

21 MADAM CHAIR: Well, thank you very much
22 for --

23 MR. NEAVE: Whenever you travel and
24 trying to sort it out all out. But if I can just make
25 a comment, perhaps off the record.

1 Just that we talk about process, we talk
2 about technology, there's a human dimension and a lot
3 of people everywhere that are just excited to work
4 together, it can be done.

5 MADAM CHAIR: Thank you very much, Mr.
6 Neave.

7 MR. NEAVE: Best of luck to you.

8 MADAM CHAIR: And thank you very much for
9 coming, Dr. Quinney. We won't thank you, we will be
10 seeing you over and over again over the coming weeks.
11 Thanks a lot.

12 DR. QUINNEY: Next week, Madam Chair.

13
14 ---Whereupon the hearing was adjourned at 3:30 p.m., to
15 be reconvened on Monday, February 3rd, 1992,
16 commencing at 10:30 a.m.

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